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Crime prevention and criminal justice

Report of the Third Committee

Rapporteur: Mr. Asif **Garayev** (Azerbaijan)

I. Introduction

1. At its 2nd plenary meeting, on 17 September 2010, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-fifth session the item entitled "Crime prevention and criminal justice" and to allocate it to the Third Committee.

2. The Third Committee considered the item at its 5th, 6th, 7th, 15th, 49th and 51st meetings, on 6, 7 and 14 October and on 19 and 23 November 2010. At its 5th, 6th and 7th meetings, on 6 and 7 October, the Committee held a general discussion on the item jointly with item 106, entitled "International drug control". An account of the Committee's discussion is contained in the relevant summary records (A/C.3/65/SR.5-7, 15, 49 and 51).

3. For its consideration of the item, the Committee had before it the following documents:

(a) Report of the Commission on Crime Prevention and Criminal Justice on its nineteenth session;[1]

(b) Report of the Secretary-General on technical assistance in implementing the international conventions and protocols related to terrorism (A/65/91);

(c) Report of the Secretary-General on the Twelfth United Nations Congress on Crime Prevention and Criminal Justice (A/65/92);

(d) Report of the Secretary-General on improving the coordination of efforts against trafficking in persons (A/65/113);

[1] *Official Records of the Economic and Social Council, 2010, Supplement No. 10* (E/2010/30).

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(e) Report of the Secretary-General on the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders (A/65/114);

(f) Report of the Secretary-General on the implementation of the mandates of the United Nations crime prevention and criminal justice programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime (A/65/116);

(g) Letter dated 8 July 2010 from the representative of Namibia to the Secretary-General (A/65/89).

4. At the 5th meeting, on 6 October, the attention of the Committee was drawn to documents A/C.3/65/L.2 (under item 105) and A/C.3/65/L.3 (under item 106), which contained draft resolutions recommended by the Economic and Social Council for action by the Committee.

5. At the same meeting, the Executive Director of the United Nations Office on Drugs and Crime made an introductory statement and responded to questions raised and comments made by the representatives of Afghanistan, Malaysia, Sierra Leone and Zambia (see A/C.3/65/SR.5).

II. Consideration of proposals

A. Draft resolutions A/C.3/65/L.2 and A/C.3/65/L.13

6. By its resolution 2010/17, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Realignment of the functions of the United Nations Office on Drugs and Crime and changes to the strategic framework". The draft resolution was reproduced in a note by the Secretariat (A/C.3/65/L.2), and read:

> "*The General Assembly*,
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> "*Recalling* its resolution 61/252, section XI, paragraph 1, of 22 December 2006, in which it entrusted certain administrative and financial functions to the Commission on Crime Prevention and Criminal Justice,
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> "*Also recalling* Commission on Crime Prevention and Criminal Justice resolution 18/6 of 3 December 2009,
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> "*Further recalling* the report of the Advisory Committee on Administrative and Budgetary Questions on the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime,
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> "*Having regard* to the report of the Executive Director of the United Nations Office on Drugs and Crime on the changes required to the strategic framework and their implications for the Office and for the allocation of resources to the subprogrammes of the programme of work, and on the establishment of an independent evaluation unit and the sustainability of the Strategic Planning Unit of the Office,
>
> "*Recalling* its resolution 64/243 of 24 December 2009, entitled 'Questions relating to the proposed programme budget for the biennium 2010-2011', in paragraph 85 of which it expressed concern regarding the overall

financial situation of the United Nations Office on Drugs and Crime and requested the Secretary General to submit proposals in his proposed programme budget for the biennium 2012-2013 to ensure that the Office had sufficient resources to carry out its mandate,

"1. *Takes note* of the report of the Executive Director of the United Nations Office on Drugs and Crime on the changes required to the strategic framework and their implications for the Office and for the allocation of resources to the subprogrammes of the programme of work, and on the establishment of an independent evaluation unit and the sustainability of the Strategic Planning Unit of the Office, and welcomes the measures taken to develop a thematic and regional programme approach to the programme of work of the Office;

"2. *Notes* the anticipated efficiency gains resulting from the proposed realignment, which responds, in particular, to recommendations made by the Office of Internal Oversight Services of the Secretariat, and looks forward to seeing those efficiency gains reflected in the budget for the biennium 2012-2013 for the United Nations Office on Drugs and Crime;

"3. *Also notes* that the realignment will not require any change to the strategic framework for the period 2010-2011 and that the thematic and regional programme approach will be reflected in the proposed strategic framework for the period 2012-2013;

"4. *Further notes* that the proposed realignment shall contribute to improving the technical assistance programmes and activities of the United Nations Office on Drugs and Crime;

"5. *Notes* that the proposed realignment will not diminish the current status of any of the activities promoted by the United Nations Office on Drugs and Crime;

"6. *Recalls* that, in Commission on Crime Prevention and Criminal Justice resolution 18/6 of 3 December 2009, the Commission decided that the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime should contain adequate provisions for the establishment of a sustainable, effective and operationally independent evaluation unit, and urges the Secretariat to swiftly implement that decision and commence with the re-establishment of the independent evaluation unit without further delay;

"7. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to ensure the sustainability of the Strategic Planning Unit, consistent with the importance of its functions;

"8. *Notes* that the reinstatement of the post of Chief of the Policy Analysis and Research Branch at the United Nations Office on Drugs and Crime, at the D-1 level, should be considered only after sufficient funding has been made available for the independent evaluation unit and the Strategic Planning Unit;

"9. *Takes note*, in the preceding context, of the realignment of the Division for Treaty Affairs and the Division for Operations of the United Nations Office on Drugs and Crime, and encourages it as an important step in the process of continuous improvement of the Office;

"10. *Highlights* the importance of providing legal assistance for drug control and crime prevention and the need to link the provision of such assistance to the work of the Integrated Programme and Oversight Branch of the United Nations Office on Drugs and Crime;

"11. *Notes with concern* the financial situation of the United Nations Office on Drugs and Crime;

"12. *Urges* the Executive Director of the United Nations Office on Drugs and Crime to ensure that the Office submits to the Secretary-General a proposed programme budget for the biennium 2012-2013 that appropriately reflects the financial needs of the Office;

"13. *Requests* the Secretary-General, in his proposed programme budget for the biennium 2012-2013, to devote due attention to the resource requirements for meeting the mandates entrusted to the United Nations Office on Drugs and Crime, taking into account the relevant crime prevention and criminal justice mandates and the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem, with particular focus on under-resourced areas;

"14. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its twentieth session on the implementation of the realignment of the Division for Treaty Affairs and the Division for Operations."

7. At its 5th meeting, on 6 October, the Committee agreed to merge the texts of the draft resolutions contained in documents A/C.3/65/L.2 and A/C.3/65/L.3, both entitled "Realignment of the functions of the United Nations Office on Drugs and Crime and changes to the strategic framework", to be issued as a text submitted by the Chair.

8. At its 15th meeting, on 14 October, the Committee had before it a draft resolution submitted by the Chair on the basis of informal consultations, entitled "Realignment of the functions of the United Nations Office on Drugs and Crime and changes to the strategic framework" (A/C.3/65/L.13).

9. The Secretary of the Committee read out a statement of the programme budget implications of the draft resolution.

10. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.13 (see para. 32, draft resolution I).[2]

11. In the light of the adoption of draft resolution A/C.3/65/L.13, draft resolutions A/C.3/65/L.2 and A/C.3/65/L.3 were withdrawn.

B. Draft resolution A/C.3/65/L.4

12. By its resolution 2010/15, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Strengthening

[2] The Committee also adopted draft resolution A/C.3/65/L.13 under item 106 (see A/65/458).

crime prevention and criminal justice responses to violence against women". The draft resolution was reproduced in a note by the Secretariat (A/C.3/65/L.4).

13. At the 15th meeting, on 14 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution.

14. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.4 as recommended by the Economic and Social Council (see para. 32, draft resolution II).

15. The representative of Pakistan made a statement after the adoption of the draft resolution (see A/C.3/65/SR.15).

C. Draft resolution A/C.3/65/L.5

16. By its resolution 2010/16, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)". The draft resolution was reproduced in a note by the Secretariat (A/C.3/65/L.5).

17. At the 15th meeting, on 14 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution.

18. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.5 as recommended by the Economic and Social Council (see para. 32, draft resolution III).

19. The representative of Pakistan made a statement after the adoption of the draft resolution (see A/C.3/65/SR.15).

D. Draft resolution A/C.3/65/L.6

20. By its resolution 2010/18, the Economic and Social Council recommended to the General Assembly the adoption of a draft resolution entitled "Twelfth United Nations Congress on Crime Prevention and Criminal Justice". The draft resolution was reproduced in a note by the Secretariat (A/C.3/65/L.6).

21. At the 15th meeting, on 14 October, the Secretary of the Committee read out a statement of the programme budget implications of the draft resolution.

22. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.6 as recommended by the Economic and Social Council (see para. 32, draft resolution IV).

E. Draft resolution A/C.3/65/L.14

23. At the 15th meeting, on 14 October, the representative of Malawi, on behalf of the States Members of the United Nations that are members of the Group of African States, introduced a draft resolution entitled "United Nations African Institute for the Prevention of Crime and the Treatment of Offenders" (A/C.3/65/L.14).

24. At the 49th meeting, on 19 November, the representative of Uganda made a statement on behalf of the Group of African States (see A/C.3/65/SR.49).

25. At the same meeting, the Committee adopted draft resolution A/C.3/65/L.14 (see para. 32, draft resolution V).

26. After the adoption of the draft resolution, a statement was made by the representative of the United Kingdom of Great Britain and Northern Ireland (see A/C.3/65/SR.49).

F. Draft resolution A/C.3/65/L.15 and Rev.1

27. At the 15th meeting, on 14 October, the representative of Italy, on behalf of Belgium, Chile, El Salvador, Guatemala, Italy, Kazakhstan, Luxembourg, Mexico, Peru and Uruguay, introduced a draft resolution entitled "Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity" (A/C.3/65/L.15), which read:

"*The General Assembly*,

"*Reaffirming* its resolutions 46/152 of 18 December 1991, 60/1 of 16 September 2005, 60/177 of 16 December 2005, 61/252 of 22 December 2006, 64/178 and 64/179 of 18 December 2009 and 64/237 of 24 December 2009,

"*Taking note with appreciation* of the adoption by the Economic and Social Council of the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime, which aims, inter alia, to enhance its effectiveness and flexibility in providing technical assistance and policy services,

"*Reaffirming* its resolutions relating to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption and all the international conventions and protocols against terrorism, including those that recently entered into force,

"*Reaffirming also* the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006, and its successive reviews of 4 and 5 September 2008 and of 8 September 2010,

"*Emphasizing* that its resolution 64/137 of 18 December 2009, on the intensification of efforts to eliminate all forms of violence against women, has considerable implications for the United Nations Crime Prevention and Criminal Justice Programme and its activities,

"*Taking into consideration* all relevant resolutions of the Economic and Social Council, in particular resolutions 2008/23, 2008/24 and 2008/25 of 24 July 2008, and all those relating to the strengthening of international cooperation as well as the technical assistance and advisory services of the United Nations Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime in the field of crime prevention and criminal justice, promotion and reinforcement of the rule of law and reform of criminal justice institutions, including with regard to the implementation of technical assistance,

"*Welcoming* the report of the Secretary-General on protection against trafficking in cultural property and the outcome of the thematic discussion on trafficking in cultural property held by the Commission on Crime Prevention and Criminal Justice at its nineteenth session, in 2010,

"*Recalling* the high-level meeting of the General Assembly on transnational organized crime and the special treaty event, held in New York on 17 and 21 June 2010, respectively, convened pursuant to resolution 64/179, which marked the renewed political commitment of the international community to tackling transnational organized crime,

"*Taking note with appreciation* of the adoption of the United Nations Global Plan of Action to Combat Trafficking in Persons,

"*Deeply concerned* by the increasing challenge to development, peace and security and human rights posed by transnational organized crime, which undermines the rule of law, negatively affects the security and stability of nations and obstructs the development of sustainable, stable and safe societies, thus representing an increasingly serious obstacle to the achievement of the Millennium Development Goals,

"*Concerned* by the serious challenges and threats posed by the illicit trafficking in firearms, their parts and components and ammunition,

"*Deeply concerned* about the increasing connection and, in many cases, partnership of convenience between transnational organized crime, illicit drugs, illegal arms trafficking, money-laundering and terrorism, and emphasizing the need to enhance coordination of efforts at the national, subregional, regional and international levels in order to strengthen a global response to this serious challenge,

"*Concerned* about the growing extent of the penetration of criminal organizations and their proceeds into the economy,

"*Recognizing* that actions against transnational organized crime and terrorism are a common and shared responsibility, and stressing the need to work collectively to prevent and combat transnational organized crime, corruption and terrorism in all its forms and manifestations,

"*Emphasizing* that transnational organized crime must be addressed in full respect for the principle of the sovereignty of States and in accordance with the rule of law as part of a comprehensive response to promote durable solutions through the promotion of human rights and more equitable socio-economic conditions,

"*Recognizing* the need to maintain a balance in the technical cooperation capacity of the United Nations Office on Drugs and Crime with regard to all relevant priorities identified by the General Assembly and the Economic and Social Council,

"*Recognizing also* that, thanks to its broad membership and the wide scope of its application to all serious crimes, the United Nations Convention against Transnational Organized Crime offers an incomparable basis for international cooperation for extradition, mutual legal assistance and

international confiscation and that it represents, in this regard, a yet-to-be exploited potential,

"*Mindful* of the need to ensure universal adherence to and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and encouraging Member States to make full and effective use of these instruments,

"*Welcoming* the adoption by the United Nations Office on Drugs and Crime of a regional approach to programming, based on continued consultations and partnerships at the national and regional levels, particularly on its implementation, and focused on ensuring that the Office responds in a sustainable and coherent manner to the priorities of Member States,

"*Recognizing* the general progress made by the United Nations Office on Drugs and Crime in the delivery of advisory services and assistance to requesting Member States in the areas of corruption, organized crime, money-laundering, terrorism, kidnapping and trafficking in persons, including the support and protection, as appropriate, of victims, their families and witnesses, as well as drug trafficking and international cooperation, with special emphasis on extradition and mutual legal assistance,

"1. *Takes note with appreciation* of the report of the Secretary-General on the implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime, prepared pursuant to General Assembly resolution 64/179;

"2. *Welcomes* the findings of the high-level meeting of the General Assembly on transnational organized crime and the special treaty event, held in New York on 17 and 21 June 2010, respectively, with particular reference to the Presidential summary of the meeting and the recommendations contained therein;

"3. *Welcomes* the political declaration adopted by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010;

"4. *Takes note* of the publication *The Globalization of Crime: A Transnational Organized Crime Threat Assessment*, issued by the United Nations Office on Drugs and Crime which provides an overview of different forms of emerging forms of criminal activity and their negative impact on the sustainable development of societies;

"5. *Reaffirms* the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto as the main tools of the international community to fight transnational organized crime;

"6. *Takes note with appreciation* of the positive results of the pilot programme to review the implementation of the United Nations Convention against Transnational Organized Crime, involving a volunteer group of States parties from different regional groups;

"7. *Reaffirms* the importance of the United Nations Crime Prevention and Criminal Justice Programme in promoting effective action to strengthen

international cooperation in crime prevention and criminal justice, as well as of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance, and coordinating with and complementing the work of all relevant and competent United Nations bodies and offices;

"8. *Calls upon* Member States to strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter effectively transnational organized crime;

"9. *Requests* the United Nations Office on Drugs and Crime to enhance its efforts, within existing resources and within its mandate, in providing technical assistance and advisory services for the implementation of its regional and subregional programmes in a coordinated manner with relevant Member States and regional and subregional organizations;

"10. *Encourages* the United Nations Office on Drugs and Crime to continue its work, in collaboration with other relevant United Nations entities, towards enhanced coordination at the national, subregional, regional and international levels in order to strengthen the global response to the serious challenge and threat to peace and security posed by the increasing connection and, in many cases, partnership of convenience between transnational organized crime, illicit drugs, illegal arms trafficking, money-laundering and terrorism;

"11. *Urges* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, in accordance with United Nations related instruments and internationally accepted standards, including, where applicable, recommendations of relevant intergovernmental bodies, inter alia, the Financial Action Task Force on Money Laundering, and relevant initiatives of regional, interregional and multilateral organizations against money-laundering;

"12. *Recognizes* the efforts made by the United Nations Office on Drugs and Crime to assist Member States in developing abilities and strengthening their capacity to prevent and combat kidnapping, and requests the Office to continue to provide technical assistance with a view to fostering international cooperation, in particular mutual legal assistance, aimed at countering effectively this growing serious crime;

"13. *Urges* the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates, as appropriate, in order to share best practices and to take advantage of their unique and comparative advantage;

"14. *Draws attention* to the emerging policy issues identified in the report of the Secretary-General entitled 'Implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme, with particular reference to the technical cooperation activities of the United

Nations Office on Drugs and Crime", and invites the Office to explore, within its mandate, ways and means of addressing those issues, bearing in mind Economic and Social Council resolutions 2007/12 of 25 July 2007 and 2007/19 of 26 July 2007 on the strategy for the period 2008-2011 for the Office;

"15. *Requests* the United Nations Office on Drugs and Crime, within its existing mandate, to strengthen the collection, analysis and dissemination of information to enhance knowledge about crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension, taking into account the need to make the best possible use of existing resources;

"16. *Urges* Member States and relevant international organizations to develop national and regional strategies, as appropriate, and other necessary measures, in cooperation with the United Nations Crime Prevention and Criminal Justice Programme, to effectively address transnational organized crime, including trafficking in persons, smuggling of migrants and illicit manufacturing of and transnational trafficking in firearms, as well as corruption and terrorism;

"17. *Urges* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in combating the illicit trafficking in firearms, their parts and components and ammunition, and to support them in their efforts to address its links with other forms of transnational organized crime, through, inter alia, technical assistance;

"18. *Reaffirms* the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against transnational organized crime and drug trafficking, and urges the Office to consider regional vulnerabilities, projects and impact in the fight against transnational organized crime, in particular in developing countries, when deciding to close and allocate offices, with a view to maintaining an effective level of support to national and regional efforts in those areas;

"19. *Encourages* Member States to support the United Nations Office on Drugs and Crime in continuing to provide targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their request, to combat piracy by sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity;

"20. *Takes note with appreciation of the fact* that the number of States that have become parties to the United Nations Convention against Transnational Organized Crime has reached 157, which is a good indication of the commitment shown by the international community to combat these phenomena;

"21. *Urges* Member States that have not yet done so to ratify or accede to the United Nations Convention against Transnational Organized Crime and the Protocols thereto, the United Nations Convention against Corruption and the international conventions and protocols related to terrorism;

"22. *Encourages* States parties to continue to provide full support to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, including providing information to the conferences regarding compliance with the treaties;

"23. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with adequate resources to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption and to discharge its functions as the secretariat of the conferences of the parties to the conventions, in accordance with its mandate;

"24. *Welcomes* the progress achieved by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of their respective mandates, and looks forward to the successful outcome of the fifth session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, to be held in Vienna from 18 to 22 October 2010;

"25. *Also welcomes* the progress achieved by the three open-ended intergovernmental working groups on the United Nations Convention against Corruption, established by the Conference of the States Parties to the Convention, in particular the development of the terms of reference of a review mechanism, and looks forward to the relevant decisions of the Conference of the States Parties at its fifth session;

"26. *Reiterates its request* to the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, as well as to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, and invites Member States to provide the Office with appropriate resources for its mandate;

"27. *Takes note* of the report of the intergovernmental group of experts to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, convened in accordance with Commission on Crime Prevention and Criminal Justice decision 17/1 of 18 April 2008 entitled 'Strengthening crime prevention and criminal justice responses to violence against women and girls';

"28. *Encourages* Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including the consideration and, where they deem it necessary, dissemination of existing manuals and handbooks developed and published by the United Nations Office on Drugs and Crime;

"29. *Reiterates* the importance of providing the United Nations Crime Prevention and Criminal Justice Programme with sufficient, stable and predictable funding for the full implementation of its mandates, in conformity with the high priority accorded to it and in accordance with the increasing demand for its services, in particular with regard to the provision of increased assistance to developing countries, countries with economies in transition and those emerging from conflict, in the area of crime prevention and criminal justice reform;

"30. *Expresses concern* regarding the overall financial situation of the United Nations Office on Drugs and Crime, and requests the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 to ensure that the Office has sufficient resources to carry out its mandate;

"31. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-sixth session on the implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme, reflecting also emerging policy issues and possible responses;

"32. *Also requests* the Secretary-General to include in the report referred to in paragraph 31 above information on the status of ratifications or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto."

28. At its 51st meeting, on 23 November, the Committee had before it a revised draft resolution (A/C.3/65/L.15/Rev.1), submitted by the sponsors of A/C.3/65/L.15 and Albania, Algeria, Angola, Argentina, Armenia, Australia, Austria, Azerbaijan, Belarus, Benin, Bosnia and Herzegovina, Botswana, Brazil, Burkina Faso, Bulgaria, Cameroon, Canada, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, Egypt, Eritrea, Estonia, Ethiopia, Finland, France, Germany, Greece, Hungary, Iceland, India, Indonesia, Ireland, Israel, Japan, Jordan, Kyrgyzstan, Latvia, Liechtenstein, Lithuania, Madagascar, Mali, Malta, Micronesia (Federated States of), Mongolia, Montenegro, Morocco, Namibia, the Netherlands, Nicaragua, the Niger, Norway, Panama, Poland, Portugal, Qatar, the Republic of Korea, the Republic of Moldova, Romania, the Russian Federation, San Marino, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Somalia, Spain, the Sudan, Sweden, Switzerland, Thailand, the former Yugoslav Republic of Macedonia, Tunisia, Ukraine, the United Republic of Tanzania, the United Kingdom of Great Britain and Northern Ireland and the United States of America. Subsequently, Antigua and Barbuda, the Bahamas, Bangladesh, Barbados, Belize, Cape Verde, the Comoros, the Congo, Cuba, the Gambia, Ghana, Grenada, Guinea-Bissau, Guyana, Haiti, Jamaica, Kenya, Lebanon, Lesotho, Liberia, Malawi, Malaysia, Mozambique, Nauru, Nigeria, Papua New Guinea, Paraguay, the Philippines, Rwanda, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, South Africa, Suriname, Swaziland, Trinidad and Tobago, Uganda, Zambia and Zimbabwe joined in sponsoring the draft resolution.

29. Also at its 51st meeting, the Committee adopted draft resolution A/C.3/65/L.15/Rev.1 (see para. 32, draft resolution VI).

30. Before the adoption of the draft resolution, statements were made by the representatives of Turkey and El Salvador; after the adoption of the draft resolution, statements were made by the representatives of the Bolivarian Republic of

Venezuela and Trinidad and Tobago on behalf of the Caribbean Community (see A/C.3/65/SR.51).

G. Draft decision proposed by the Chair

31. At its 51st meeting, on 23 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of reports of the Secretary-General considered in connection with crime prevention and criminal justice (see para. 33).

III. Recommendations of the Third Committee

32. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Realignment of the functions of the United Nations Office on Drugs and Crime and changes to the strategic framework

The General Assembly,

Recalling section XI, paragraph 1, of its resolution 61/252 of 22 December 2006, and section XVI, paragraph 2, of its resolution 46/185 C of 20 December 1991 in which it entrusted certain administrative and financial functions to the Commission on Crime Prevention and Criminal Justice and the Commission on Narcotic Drugs,

Recalling also Commission on Crime Prevention and Criminal Justice resolution 18/6 of 3 December 2009[1] and Commission on Narcotic Drugs resolution 52/14 of 2 December 2009,[2]

Recalling further the report of the Advisory Committee on Administrative and Budgetary Questions on the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime,[3]

Having regard to the report of the Executive Director of the United Nations Office on Drugs and Crime on the changes required to the strategic framework and their implications for the Office and for the allocation of resources to the subprogrammes of the programme of work, and on the establishment of an independent evaluation unit and the sustainability of the Strategic Planning Unit of the Office,[4]

Recalling its resolution 64/243 of 24 December 2009, entitled "Questions relating to the proposed programme budget for the biennium 2010-2011", in paragraph 85 of which it expressed concern regarding the overall financial situation of the United Nations Office on Drugs and Crime and requested the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 to ensure that the Office had sufficient resources to carry out its mandate,

1. *Takes note* of the report of the Executive Director of the United Nations Office on Drugs and Crime on the changes required to the strategic framework and their implications for the Office and for the allocation of resources to the subprogrammes of the programme of work, and on the establishment of an independent evaluation unit and the sustainability of the Strategic Planning Unit of the Office,[4] and welcomes the measures taken to develop a thematic and regional programme approach to the programme of work of the Office;

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[1] *Official Records of the Economic and Social Council, 2009, Supplement No. 10A* (E/2009/30/Add.1), chap. I.

[2] Ibid., *Supplement No. 8A* (E/2009/28/Add.1), chap. I.

[3] E/CN.7/2009/14-E/CN.15/2009/24.

[4] E/CN.7/2010/13-E/CN.15/2010/13.

2. *Notes* the anticipated efficiency gains resulting from the proposed realignment, which responds, in particular, to recommendations made by the Office of Internal Oversight Services of the Secretariat, and looks forward to seeing those efficiency gains reflected in the budget for the biennium 2012-2013 for the United Nations Office on Drugs and Crime;

3. *Also notes* that the realignment will not require any change to the strategic framework for the period 2010-2011 and that the thematic and regional programme approach will be reflected in the proposed strategic framework for the period 2012-2013;

4. *Further notes* that the proposed realignment shall contribute to improving the technical assistance programmes and activities of the United Nations Office on Drugs and Crime;

5. *Notes* that the proposed realignment will not diminish the current status of any of the activities promoted by the United Nations Office on Drugs and Crime;

6. *Recalls* that, in Commission on Crime Prevention and Criminal Justice resolution 18/6[1] and Commission on Narcotic Drugs resolution 52/14,[2] the Commissions decided that the consolidated budget for the biennium 2010-2011 for the United Nations Office on Drugs and Crime should contain adequate provisions for the establishment of a sustainable, effective and operationally independent evaluation unit, and urges the Secretariat to swiftly implement that decision and commence with the re-establishment of the independent evaluation unit without further delay;

7. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to ensure the sustainability of the Strategic Planning Unit, consistent with the importance of its functions;

8. *Notes* that the reinstatement of the post of Chief of the Policy Analysis and Research Branch at the United Nations Office on Drugs and Crime, at the D-1 level, should be considered only after sufficient funding has been made available for the independent evaluation unit and the Strategic Planning Unit;

9. *Takes note*, in the preceding context, of the realignment of the Division for Treaty Affairs and the Division for Operations of the United Nations Office on Drugs and Crime, and encourages it as an important step in the process of continuous improvement of the Office;[5]

10. *Highlights* the importance of providing legal assistance for drug control and crime prevention and the need to link the provision of such assistance to the work of the Integrated Programme and Oversight Branch of the United Nations Office on Drugs and Crime;

11. *Notes with concern* the financial situation of the United Nations Office on Drugs and Crime;

12. *Urges* the Executive Director of the United Nations Office on Drugs and Crime to ensure that the Office submits to the Secretary-General a proposed programme budget for the biennium 2012-2013 that appropriately reflects the financial needs of the Office;

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[5] E/CN.7/2010/13-E/CN.15/2010/13, paras. 1-3 and 35.

13. *Requests* the Secretary-General, in his proposed programme budget for the biennium 2012-2013, to devote due attention to the resource requirements for meeting the mandates entrusted to the United Nations Office on Drugs and Crime, taking into account the relevant crime prevention and criminal justice mandates and the Political Declaration and Plan of Action on International Cooperation towards an Integrated and Balanced Strategy to Counter the World Drug Problem,[6] with particular focus on under-resourced areas;

14. *Requests* the Executive Director of the United Nations Office on Drugs and Crime to report to the Commission on Crime Prevention and Criminal Justice at its twentieth session and the Commission on Narcotic Drugs at its fifty-fourth session, on the implementation of the realignment of the Division for Treaty Affairs and the Division for Operations.

[6] A/64/92-E/2009/98, sect. II.A.

Draft resolution II
Strengthening crime prevention and criminal justice responses to violence against women

The General Assembly,

Reaffirming the Declaration on the Elimination of Violence against Women[1] and the Beijing Declaration and Platform for Action adopted by the Fourth World Conference on Women,[2] and, in particular, the determination of Governments to prevent and eliminate all forms of violence against women,

Reaffirming also the Programme of Action of the International Conference on Population and Development,[3] as well as the outcome of the twenty-third special session of the General Assembly, entitled "Women 2000: gender, equality, development and peace for the twenty-first century",[4] and the declarations adopted at the forty-ninth and fifty-fourth sessions of the Commission on the Status of Women,[5]

Recognizing that the term "women", except where otherwise specified, encompasses "girl children",

Reaffirming the obligation of all States to promote and protect all human rights and fundamental freedoms, and reaffirming that discrimination on the basis of sex is contrary to the Charter of the United Nations, the Convention on the Elimination of All Forms of Discrimination against Women[6] and other international human rights instruments and that its elimination is an integral part of efforts towards the elimination of all forms of violence against women,

Stressing that States have the obligation to promote and protect all human rights and fundamental freedoms for all, including women and girls, and must exercise due diligence to prevent and investigate acts of violence against women and girls and punish the perpetrators, eliminate impunity and provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of their human rights and fundamental freedoms,

Emphasizing the importance of preventing violence against migrant women through the implementation, inter alia, of measures aimed at combating racism, xenophobia and related forms of intolerance,

Deeply concerned that all forms of discrimination, including racism, racial discrimination, xenophobia and related intolerance and multiple or aggravated forms of discrimination and disadvantage, can lead to the targeting or particular vulnerability to violence of girls and some groups of women, such as women belonging to minority groups, indigenous women, refugee and internally displaced

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[1] Resolution 48/104.

[2] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annexes I and II.

[3] *Report of the International Conference on Population and Development, Cairo, 5-13 September 1994* (United Nations publication, Sales No. E.95.XIII.18), chap. I, resolution 1, annex.

[4] Resolution S-23/2, annex, and resolution S-23/3, annex.

[5] See *Official Records of the Economic and Social Council, 2005, Supplement No. 7* and corrigendum (E/2005/27 and Corr.1), chap. I, sect. A; see also Economic and Social Council decision 2005/232.

[6] United Nations, *Treaty Series*, vol. 1249, No. 20378.

women, migrant women, women living in rural or remote communities, destitute women, women in institutions or in detention, women with disabilities, elderly women, widows, women in situations of armed conflict, women who are otherwise discriminated against, including on the basis of HIV status, and women victims of commercial sexual exploitation,

Greatly concerned that some groups of women, such as migrant women, refugees and women in detention, in situations of armed conflict or in territories under occupation, might be more vulnerable to violence,

Recognizing that women's poverty and lack of empowerment, as well as their marginalization resulting from their exclusion from social policies and from the benefits of sustained development, can place them at increased risk of violence and that violence against women impedes the social and economic development of communities and States, as well as the achievement of the internationally agreed development goals, including the Millennium Development Goals,

Reaffirming its resolution 52/86 of 12 December 1997, in which it adopted the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

Recalling its resolutions 61/143 of 19 December 2006, 62/133 of 18 December 2007, 63/155 of 18 December 2008 and 64/137 of 18 December 2009 on the intensification of efforts to eliminate all forms of violence against women,

Recalling also the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[7] adopted at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, in which Governments recognized that comprehensive crime prevention strategies could significantly reduce crime and victimization and urged that such strategies be developed at the local, national and international levels and that they, inter alia, take into account the Guidelines for the Prevention of Crime,[8] and emphasized the importance of promoting the interests of victims of crime, including taking account of their gender,

Taking note of Human Rights Council resolution 11/2 of 17 June 2009 on accelerating efforts to eliminate all forms of violence against women,[9]

Recalling the inclusion of gender-related crimes and crimes of sexual violence in the Rome Statute of the International Criminal Court,[10] as well as the recognition by the ad hoc international criminal tribunals that rape can constitute a war crime, a crime against humanity or a constitutive act with respect to genocide or torture,

Expressing deep concern about the pervasiveness of violence against women in all its forms and manifestations worldwide, and reiterating the need to intensify efforts to address that challenge,

Recognizing that effective and integrated criminal justice responses to violence against women require close cooperation among all key stakeholders, including law

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[7] Resolution 60/177, annex.

[8] Economic and Social Council resolution 2002/13, annex.

[9] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. III, sect. A.

[10] United Nations, *Treaty Series*, vol. 2187, No. 38544.

enforcement officials, prosecutors, judges, victim advocates, health professionals and forensic scientists,

Stressing the importance of a comprehensive, well-coordinated, effective and adequately resourced response by the United Nations system to all forms of violence against women,

Recalling the joint dialogue of the Commission on the Status of Women and the Commission on Crime Prevention and Criminal Justice on addressing violence against women through legal reform, held in New York on 4 March 2009 in the framework of the fifty-third session of the Commission on the Status of Women,

Recalling also Commission on Crime Prevention and Criminal Justice decision 17/1 of 18 April 2008,[11] in which the Commission requested the United Nations Office on Drugs and Crime to convene an intergovernmental group of experts with equitable geographical representation, in cooperation with the institutes of the United Nations crime prevention and criminal justice programme network, the Commission on the Status of Women and the Special Rapporteur on violence against women, its causes and consequences, to review and update, as appropriate, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,

1. *Strongly condemns* all acts of violence against women, whether those acts are perpetrated by the State, by private persons or by non-State actors, and calls for the elimination of all forms of gender-based violence in the family, within the general community and where perpetrated or condoned by the State;

2. *Stresses* that "violence against women" means any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life;

3. *Takes note with appreciation* of the work done at the meeting of the intergovernmental expert group to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, held in Bangkok from 23 to 25 March 2009;[12]

4. *Adopts* the guidelines in the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, annexed to the present resolution;[13]

5. *Urges* Member States to end impunity for violence against women by investigating, prosecuting with due process and punishing all perpetrators, by ensuring that women have equal protection under the law and equal access to justice and by holding up to public scrutiny and countering those attitudes that foster, justify or tolerate any form of violence against women;

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[11] See *Official Records of the Economic and Social Council, 2008, Supplement No. 10* (E/2008/30), chap. I, sect. D.

[12] E/CN.15/2010/2.

[13] See *Official Records of the Economic and Social Council, 2010, Supplement No. 10* (E/2010/30), para. 150.

6. *Also urges* Member States to enhance their mechanisms and procedures for protecting victims of violence against women in the criminal justice system, taking into account, inter alia, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,[14] and to provide to that end specialized counselling and assistance;

7. *Calls upon* Member States to advance effective crime prevention and criminal justice strategies that address violence against women, including strategies aimed at preventing revictimization by, inter alia, removing barriers that prevent victims from seeking safety, including barriers related to custody of children, access to shelter and availability of legal assistance;

8. *Also calls upon* Member States to develop and implement crime prevention policies and programmes to promote the safety of women in the home and in society at large in a manner that reflects the realities of women's lives and addresses their distinct needs, taking into account, inter alia, the Guidelines for the Prevention of Crime[15] and the important contribution that educational and public awareness-raising initiatives provide to the promotion of the safety of women;

9. *Urges* Member States to evaluate and review their legislation and legal principles, procedures, policies, programmes and practices relating to crime prevention and criminal justice matters, in a manner consistent with their legal systems and drawing upon the updated Model Strategies and Practical Measures, to determine if they are adequate to prevent and eliminate violence against women or if they have a negative impact on women and, if they do, to modify them in order to ensure that women enjoy fair and equal treatment;

10. *Also urges* Member States to take into account the special needs and vulnerabilities of women within the criminal justice system, especially women in detention, pregnant inmates and women with children born in detention, including through the development of policies and programmes to address such needs, taking into account relevant international standards and norms;

11. *Further urges* Member States to recognize the needs and special vulnerabilities of women and children in situations of armed conflict and in post-conflict situations, migrant women, refugee women and women subject to forms of violence because of their nationality, ethnicity, religion or language;

12. *Urges* Member States to provide appropriate assistance to women victims of violence, including by ensuring that those women have access to adequate legal representation where appropriate, in particular so that they can make informed decisions regarding, inter alia, legal proceedings and issues relating to family law;

13. *Invites* Member States to establish a multidisciplinary, coordinated response to sexual assault that includes specially trained police, prosecutors, judges, forensic examiners and victim support services to contribute to the well-being of the victim and increase the likelihood of the successful apprehension, prosecution and conviction of the offender and to prevent revictimization;

14. *Encourages* Member States to design and support programmes to empower women, both politically and economically, in order to assist in preventing

[14] Resolution 40/34, annex.

[15] Economic and Social Council resolution 2002/13, annex.

violence against women, in particular through their participation in decision-making processes;

15. *Calls upon* Member States to set up and strengthen mechanisms for the systematic collection of data on violence against women with a view to assessing the scope and prevalence of such violence and to guiding the design, implementation and funding of effective crime prevention and criminal justice responses;

16. *Urges* Member States and the United Nations system to give attention to, and encourages greater international cooperation in, systematic research and the collection, analysis and dissemination of data, including data disaggregated by sex, age and other relevant information, on the extent, nature and consequences of violence against women and on the impact and effectiveness of policies and programmes for combating violence, and, in that context, welcomes the establishment of the Secretary-General's coordinated database on violence against women,[16] and urges Member States and the United Nations system to regularly provide information for inclusion in the database;

17. *Calls upon* the United Nations Office on Drugs and Crime to support national efforts to promote the empowerment of women and gender equality in order to enhance national efforts to eliminate violence against women, including by strengthening throughout its programme of work its crime prevention and criminal justice efforts in response to violence against women;

18. *Urges* the United Nations Office on Drugs and Crime and Member States and invites the institutes of the United Nations crime prevention and criminal justice programme network to continue to offer training and capacity-building opportunities, in particular for practitioners working in the area of crime prevention and criminal justice and providers of support services to victims of violence against women, and to make available and disseminate information on successful intervention models, preventive programmes and other practices;

19. *Requests* the United Nations Office on Drugs and Crime to intensify its efforts to ensure the widest possible use and dissemination of the updated Model Strategies and Practical Measures, including through the development or revision of relevant tools, such as handbooks, training manuals, programmes and modules, including online capacity-building modules for each section of the updated Model Strategies and Practical Measures, as an efficient and practical way to disseminate the relevant content, and invites Member States and other donors to provide extrabudgetary contributions for that purpose, in accordance with the rules and procedures of the United Nations;

20. *Invites* the United Nations Office on Drugs and Crime to strengthen coordination in its activities in the area of violence against women with other relevant entities of the United Nations system, particularly the United Nations Development Fund for Women, the Division for the Advancement of Women of the Secretariat, the United Nations Children's Fund, the United Nations Population Fund and the Office of the United Nations High Commissioner for Human Rights, and the Special Rapporteur on violence against women, its causes and consequences, as well as other relevant intergovernmental and non-governmental

[16] Available from www.un.org/esa/vawdatabase.

organizations, so as to make efficient use of the financial, technical, material and human resources in the application of the updated Model Strategies and Practical Measures;

21. *Also invites* the United Nations Office on Drugs and Crime to cooperate with the Department of Peacekeeping Operations of the Secretariat in the development of training material based on the updated Model Strategies and Practical Measures for military, police and civilian personnel of peacekeeping and peacebuilding operations;

22. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-first session on the implementation of the present resolution.

Annex

Updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice

Preamble

1. The multifaceted nature of violence against women necessitates different strategies to respond to the diverse manifestations of violence and the various settings in which it occurs, both in private and public life, whether committed in the home, the workplace, educational and training institutions, the community or society, in custody or in situations of armed conflict or natural disaster. In the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, the importance of adopting a systematic, comprehensive, coordinated, multisectoral and sustained approach to fighting violence against women is recognized. The practical measures, strategies and activities described below can be introduced in the field of crime prevention and criminal justice to address violence against women. Except where otherwise specified, the term "women" encompasses "girl children".

2. Violence against women exists in every country in the world as a pervasive violation of human rights and a major impediment to achieving gender equality, development and peace. Violence against women is rooted in historically unequal power relations between men and women. All forms of violence against women seriously violate and impair or nullify the enjoyment by women of all human rights and fundamental freedoms and have serious immediate and long-term implications for health, including sexual and reproductive health, for example through increased vulnerability to HIV/AIDS, and public safety, and have a negative impact on the psychological, social and economic development of individuals, families, communities and States.

3. Violence against women is often embedded in and supported by social values, cultural patterns and practices. The criminal justice system and legislators are not immune to such values and thus have not always regarded violence against women with the same seriousness as other types of violence. Therefore, it is important that States strongly condemn all forms of violence against women and refrain from invoking any custom, tradition or religious consideration to avoid their obligation with respect to its elimination and that the criminal justice system recognize violence against women as a gender-related problem and as an expression of power and inequality.

4. Violence against women is defined in the Declaration on the Elimination of Violence against Women[17] and reiterated in the Platform for Action adopted by the Fourth World Conference on Women[18] to mean any act of gender-based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life. The updated Model Strategies and Practical Measures build on the measures adopted by Governments in the Platform for Action, which was adopted in 1995 and subsequently reaffirmed in 2000 and 2005, the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice adopted in 1997,[19] and relevant General Assembly resolutions, including Assembly resolutions 61/143 and 63/155, bearing in mind that some groups of women are especially exposed and vulnerable to violence.

5. The updated Model Strategies and Practical Measures specifically acknowledge the need for an active policy of mainstreaming a gender perspective in all policies, programmes and practices to ensure gender equality and equal and fair access to justice, as well as establishing the goal of gender balance in all areas of decision-making, including those related to the elimination of violence against women. The updated Model Strategies and Practical Measures should be applied as guidelines in a manner consistent with relevant international instruments, including the Convention on the Elimination of All Forms of Discrimination against Women,[20] the Convention on the Rights of the Child,[21] the Optional Protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography,[22] the International Covenant on Civil and Political Rights,[23] the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime,[24] the Rome Statute of the International Criminal Court[25] and the Guidelines for the Prevention of Crime,[26] with a view to furthering their fair and effective implementation. The updated Model Strategies and Practical Measures reaffirm the commitment of States to promote gender equality and empower women with a view to meeting Goal 3 of the Millennium Development Goals.[27]

6. The updated Model Strategies and Practical Measures should be endorsed by national legislation and implemented by Member States and other entities in a manner consistent with the right to equality before the law, while also recognizing that gender equality may sometimes require the adoption of different approaches that acknowledge the different ways in which violence affects women as compared to men. Member States should ensure that women have equal protection under the law and equal access to justice in order to facilitate efforts by Governments to

[17] Resolution 48/104.

[18] *Report of the Fourth World Conference on Women, Beijing, 4-15 September 1995* (United Nations publication, Sales No. E.96.IV.13), chap. I, resolution 1, annex I.

[19] Resolution 52/86, annex.

[20] United Nations, *Treaty Series*, vol. 1249, No. 20378.

[21] Ibid., vol. 1577, No. 27531.

[22] Ibid., vol. 2171, No. 27531.

[23] Ibid., vol. 999, No. 14668.

[24] Ibid., vol. 2237, No. 39574.

[25] Ibid., vol. 2187, No. 38544.

[26] Economic and Social Council resolution 2002/13, annex.

[27] A/56/326, annex.

prevent and sanction acts of violence against women through comprehensive and coordinated policies and strategies, and to deal with all forms of violence against women within the criminal justice system.

7. The updated Model Strategies and Practical Measures recognize that crime prevention and criminal justice responses to violence against women must be focused on the needs of victims and empower individual women who are victims of violence. They aim at ensuring that prevention and intervention efforts are made to not only stop and appropriately sanction violence against women, but also restore a sense of dignity and control to the victims of such violence.

8. The updated Model Strategies and Practical Measures aim at contributing to de jure and de facto equality between women and men. They do not give preferential treatment to women but aim at ensuring that any inequalities or forms of discrimination that women face in accessing justice, particularly in respect of acts of violence, are redressed.

9. The updated Model Strategies and Practical Measures recognize that sexual violence is an issue of international peace and security, as outlined in Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security, particularly the need for parties to armed conflict to adopt prevention and protection measures in order to end sexual violence.

10. The updated Model Strategies and Practical Measures recognize that some special groups of women are particularly vulnerable to violence, either because of their nationality, ethnicity, religion or language or because they belong to an indigenous group, are migrants, are stateless, are refugees, live in underdeveloped, rural or remote communities, are homeless, are in institutions or in detention, have disabilities, are elderly, are widowed or live in conflict, post-conflict or disaster situations, and as such, require special attention, intervention and protection in the development of crime prevention and criminal justice responses to violence against women.

11. The updated Model Strategies and Practical Measures recognize advances in crime prevention and criminal justice responses to violence against women and the importance of investing in the prevention of violence against women.

12. The updated Model Strategies and Practical Measures recognize that States have the obligation to promote and protect the human rights and fundamental freedoms of all people, including women, and that they must exercise due diligence and take relevant measures to prevent, investigate and punish the perpetrators of violence against women, to eliminate impunity and to provide protection to the victims, and that failure to do so violates and impairs or nullifies the enjoyment of women's human rights and fundamental freedoms.

I. Guiding principles

13. Member States are urged:

(a) To be guided by the overall principle that effective crime prevention and criminal justice responses to violence against women are human rights-based, manage risk and promote victim safety and empowerment while ensuring offender accountability;

(b) To develop mechanisms to ensure a comprehensive, coordinated, systematic and sustained approach for the implementation of the updated Model Strategies and Practical Measures at the national, regional and international levels;

(c) To promote the involvement and participation of all relevant sectors of government and civil society and other stakeholders in the implementation process;

(d) To commit adequate and sustained resources and develop monitoring mechanisms to ensure their effective implementation and oversight;

(e) To take into account in the implementation of the updated Model Strategies and Practical Measures the varying needs of women subjected to violence.

II. Criminal law

14. Member States are urged:

(a) To review, evaluate and update their national laws, policies, codes, procedures, programmes and practices, especially their criminal laws, on an ongoing basis to ensure and guarantee their value, comprehensiveness and effectiveness in eliminating all forms of violence against women and to remove provisions that allow for or condone violence against women or that increase the vulnerability or revictimization of women who have been subject to violence;

(b) To review, evaluate and update their criminal and civil laws in order to ensure that all forms of violence against women are criminalized and prohibited and, if not, to adopt measures to do so, including measures aimed at preventing, protecting, empowering and supporting survivors, adequately punishing perpetrators and ensuring available remedies for victims;

(c) To review, evaluate and update their criminal laws in order to ensure that:

(i) Persons who are brought before the courts on judicial matters in respect of violent crimes or who are convicted of such crimes can be restricted in their possession and use of firearms and other regulated weapons, within the framework of their national legal systems;

(ii) Individuals can be prohibited or restrained, within the framework of their national legal systems, from harassing, intimidating or threatening women;

(iii) The laws on sexual violence adequately protect all persons against sexual acts that are not based on the consent of both parties;

(iv) The law protects all children against sexual violence, sexual abuse, commercial sexual exploitation and sexual harassment, including crimes committed through the use of new information technologies, including the Internet;

(v) Harmful traditional practices, including female genital mutilation, in all their forms, are criminalized as serious offences under the law;

(vi) Trafficking in persons, especially women and girls, is criminalized;

(vii) Individuals who are serving in the armed forces or in United Nations peacekeeping operations are investigated and punished for committing acts of violence against women;

(d) To continually review, evaluate and update their national laws, policies, practices and procedures taking into account all relevant international legal instruments in order to effectively respond to violence against women, including to ensure that such measures complement and are consistent with the criminal justice system's response to such violence and that civil law decisions reached in marital dissolutions, child custody decisions and other family law proceedings for cases involving domestic violence or child abuse adequately safeguard victims and the best interests of children;

(e) To review and, where appropriate, revise, amend or abolish any laws, regulations, policies, practices and customs that discriminate against women or have a discriminatory impact on women, and to ensure that provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, in particular the principle of non-discrimination.

III. Criminal procedure

15. Member States are urged to review, evaluate and update their criminal procedures, as appropriate and taking into account all relevant international legal instruments, in order to ensure that:

(a) The police and other law enforcement agencies have, with judicial authorization where required by national law, adequate powers to enter premises and conduct arrests in cases of violence against women and to take immediate measures to ensure the safety of victims;

(b) The primary responsibility for initiating investigations and prosecutions lies with the police and prosecution authorities and does not rest with women subjected to violence, regardless of the level or form of violence;

(c) Women subjected to violence are enabled to testify in criminal proceedings through adequate measures that facilitate such testimony by protecting the privacy, identity and dignity of the women; ensure safety during legal proceedings; and avoid "secondary victimization".[28] In jurisdictions where the safety of the victim cannot be guaranteed, refusing to testify should not constitute a criminal or other offence;

(d) Evidentiary rules are non-discriminatory; all relevant evidence can be brought before the court; rules and principles of defence do not discriminate against women; and "honour" or "provocation" cannot be invoked by perpetrators of violence against women to escape criminal responsibility;

(e) The credibility of a complainant in a sexual violence case is understood to be the same as that of a complainant in any other criminal proceeding; the introduction of the complainant's sexual history in both civil and criminal proceedings is prohibited when it is unrelated to the case; and no adverse inference is drawn solely from a delay of any length between the alleged commission of a sexual offence and the reporting thereof;

[28] "Secondary victimization" is victimization that occurs not as a direct result of a criminal act but through the inadequate response of institutions and individuals to the victim.

(f) People who perpetrate acts of violence against women while voluntarily under the influence of alcohol, drugs or other substances are not exempted from criminal responsibility;

(g) Evidence of prior acts of violence, abuse, stalking and exploitation by the perpetrator is considered during court proceedings, in accordance with the principles of national criminal law;

(h) Police and courts have the authority to issue and enforce protection and restraining or barring orders in cases of violence against women, including removal of the perpetrator from the domicile, prohibiting further contact with the victim and other affected parties, inside and outside the domicile; to issue and enforce child support and custody orders; and to impose penalties for breaches of those orders. If such powers cannot be granted to the police, measures must be taken to ensure timely access to court decisions in order to ensure swift action by the court. Such protective measures should not be dependent on the initiation of a criminal case;

(i) Comprehensive services and protection measures are taken when necessary to ensure the safety, privacy and dignity of victims and their families at all stages of the criminal justice process, without prejudice to the victim's ability or willingness to participate in an investigation or prosecution, and to protect them from intimidation and retaliation, including by establishing comprehensive witness and victim protection programmes;

(j) Safety risks, including the vulnerability of victims, are taken into account in decisions concerning non-custodial or quasi-custodial sentences, the granting of bail, conditional release, parole or probation, especially when dealing with repeat and dangerous offenders;

(k) Claims of self-defence by women who have been victims of violence, particularly in cases of battered woman syndrome,[29] are taken into account in investigations, prosecutions and sentences against them;

(l) All procedures and complaint mechanisms are accessible to women who are victims of violence without fear of reprisal or discrimination.

IV. Police, prosecutors and other criminal justice officials

16. Member States are urged, within the framework of their national legal systems, as appropriate and taking into account all relevant international legal instruments:

(a) To ensure that the applicable provisions of laws, policies, procedures, programmes and practices related to violence against women are consistently and effectively implemented by the criminal justice system and supported by relevant regulations as appropriate;

[29] Battered woman syndrome is suffered by women who, because of repeated violent acts by an intimate partner, may suffer depression and are unable to take any independent action that would allow them to escape the abuse, including refusing to press charges or to accept offers of support.

(b) To develop mechanisms to ensure a comprehensive, multidisciplinary, coordinated, systematic and sustained response to violence against women in order to increase the likelihood of successful apprehension, prosecution and conviction of the offender, contribute to the well-being and safety of the victim and prevent secondary victimization;

(c) To promote the use of specialized expertise in the police, among prosecution authorities and in other criminal justice agencies, including through the establishment, where possible, of specialized units or personnel and specialized courts or dedicated court time, and to ensure that all police officers, prosecutors and other criminal justice officials receive regular and institutionalized training to sensitize them to gender and child-related issues and to build their capacity with regard to violence against women;

(d) To promote the development and implementation of appropriate policies among different criminal justice agencies to ensure coordinated, consistent and effective responses to violence perpetrated against women by personnel within such agencies and to ensure that attitudes of criminal justice officials that foster, justify or tolerate violence against women are held up to public scrutiny and sanction;

(e) To develop and implement policies and appropriate responses regarding the investigation and collection of evidence that take into account the unique needs and perspectives of victims of violence, respect their dignity and integrity, and minimize intrusion into their lives while abiding by standards for the collection of evidence;

(f) To ensure that criminal justice officials and victims' advocates conduct risk assessments that indicate the level or extent of harm victims may be subjected to based on their vulnerability, the threats to which they are exposed, the presence of weapons and other determining factors;

(g) To ensure that laws, policies, procedures and practices pertaining to decisions on the arrest, detention and terms of any form of release of the perpetrator take into account the need for the safety of the victim and others related through family, socially or otherwise and that such procedures also prevent further acts of violence;

(h) To establish a registration system for judicial protection, restraining or barring orders, where such orders are permitted by national law, so that police or criminal justice officials can quickly determine whether such an order is in force;

(i) To empower and equip police, prosecutors and other criminal justice officials to respond promptly to incidents of violence against women, including by drawing on a rapid court order where appropriate and by taking measures to ensure the fast and efficient management of cases;

(j) To ensure that the exercise of powers by police, prosecutors and other criminal justice officials is undertaken according to the rule of law and codes of conduct and that such officials are held accountable for any infringement thereof through appropriate oversight and accountability mechanisms;

(k) To ensure gender-equitable representation in the police force and other agencies of the justice system, particularly at the decision-making and managerial levels;

(l) To provide victims of violence, where possible, with the right to speak to a female officer, whether it be the police or any other criminal justice official;

(m) To develop new or improve existing model procedures and resource material and disseminate such procedures and material, to help criminal justice officials to identify, prevent and deal with violence against women, including by assisting and supporting women subjected to violence in a manner that is sensitive and responsive to their needs;

(n) To provide adequate psychological support to police, prosecutors and other criminal justice officials to prevent their vicarious victimization.

V. Sentencing and corrections

17. Recognizing the serious nature of violence against women and the need for crime prevention and criminal justice responses that are commensurate with that severity, Member States are urged, as appropriate:

(a) To review, evaluate and update sentencing policies and procedures in order to ensure that they:

(i) Hold offenders accountable for their acts related to violence against women;

(ii) Denounce and deter violence against women;

(iii) Stop violent behaviour;

(iv) Promote victim and community safety, including by separating the offender from the victim and, if necessary, from society;

(v) Take into account the impact on victims and their family members of sentences imposed on perpetrators;

(vi) Provide sanctions that ensure that the perpetrators of violence against women are sentenced in a manner commensurate with the severity of the offence;

(vii) Provide reparations for harm caused as a result of the violence;

(viii) Promote the rehabilitation of the perpetrator, including by promoting a sense of responsibility in offenders and, where appropriate, reintegrating perpetrators into the community;

(b) To ensure that their national laws take into account specific circumstances as aggravating factors for sentencing purposes, including, for example, repeated violent acts, abuse of a position of trust or authority, perpetration of violence against a spouse or a person in a close relationship with the perpetrator and perpetration of violence against a person under 18 years of age;

(c) To ensure the right of a victim of violence to be notified of the offender's release from detention or imprisonment;

(d) To take into account, in the sentencing process, the severity of the physical and psychological harm and the impact of victimization, including through victim impact statements;

(e) To make available to the courts, through legislation, a full range of sentencing dispositions to protect the victim, other affected persons and society from further violence, and to rehabilitate the perpetrator, as appropriate;

(f) To develop and evaluate treatment and reintegration/rehabilitation programmes for perpetrators of different types of violence against women that prioritize the safety of the victims;

(g) To ensure that judicial and correctional authorities, as appropriate, monitor perpetrators' compliance with any treatment ordered;

(h) To ensure that there are appropriate measures in place to eliminate violence against women who are detained for any reason;

(i) To provide adequate protection to victims and witnesses of acts of violence before, during and after criminal proceedings.

VI. Victim support and assistance

18. Member States are urged, as appropriate and taking into account all relevant international legal instruments, in particular the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power:[30]

(a) To make available to women who have been subjected to violence relevant information on rights, remedies and victim support services and on how to obtain them, in addition to information about their role and opportunities for participating in criminal proceedings and the scheduling, progress and ultimate disposition of the proceedings, as well as any orders against the offender;

(b) To encourage and assist women subjected to violence in lodging and following through on formal complaints by providing protection to the victims and advising them that the responsibility for pursuing charges and prosecuting offenders rests with the police and the prosecution;

(c) To take appropriate measures to prevent hardship during the detection, investigation and prosecution process in order to ensure that victims are treated with dignity and respect, whether they participate in the criminal proceedings or not;

(d) To ensure that women subjected to violence have access to prompt and fair redress for the harm that they have suffered as a result of violence, including the right to seek restitution from the offender or compensation from the State;

(e) To provide court mechanisms and procedures that are accessible and sensitive to the needs of women subjected to violence and that ensure the fair and timely processing of cases;

(f) To provide efficient and easily accessible procedures for issuing restraining or barring orders to protect women and other victims of violence and for ensuring that victims are not held accountable for breaches of such orders;

(g) To recognize that children who have witnessed violence against their parent or another person with whom they have a close relationship are victims of violence and need protection, care and support;

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[30] Resolution 40/34, annex.

(h) To ensure that women subjected to violence have full access to the civil and criminal justice systems, including access to free legal aid, where appropriate, court support and interpretation services;

(i) To ensure that women subjected to violence have access to qualified personnel who can provide victim advocacy and support services throughout the entire criminal justice process, as well as access to any other independent support persons;

(j) To ensure that all services and legal remedies available to victims of violence against women are also available to immigrant women, trafficked women, refugee women, stateless women and all other women in need of such assistance, and that specialized services for such women are established, where appropriate;

(k) To refrain from penalizing victims who have been trafficked for having entered the country illegally or for having been involved in unlawful activities that they were forced or compelled to carry out.

VII. Health and social services

19. Member States, in cooperation with the private sector, relevant non-governmental organizations and professional associations, are urged, as appropriate:

(a) To establish, fund and coordinate a sustainable network of accessible facilities and services for emergency and temporary residential accommodation, health services, including counselling and psychological care, legal assistance and other basic needs for women and their children who are victims of violence or who are at risk of becoming victims of violence;

(b) To establish, fund and coordinate services such as toll-free information lines, professional multidisciplinary counselling and crisis intervention services and support groups in order to benefit women who are victims of violence and their children;

(c) To establish better linkages between health and social services, both public and private, particularly in emergency situations, and criminal justice agencies for the purposes of reporting, recording and responding appropriately to acts of violence against women, while protecting the privacy of women subjected to violence;

(d) To design and sponsor sustainable programmes to prevent and treat alcohol and other substance abuse, given the frequent presence of substance abuse in incidents of violence against women;

(e) To ensure that violent acts and sexual crimes against children are reported to the police and other law enforcement agencies when suspected by the health and social services;

(f) To promote collaboration and coordination among relevant agencies and services, including through the establishment, where possible, of specialized units specifically trained to deal with the complexities and sensitivities of victims involved in cases of violence against women where victims can receive comprehensive assistance, protection and intervention services, including health and social services, legal advice and police assistance;

(g) To ensure that adequate medical, legal and social services sensitive to the needs of victims are in place to enhance the criminal justice management of cases involving violence against women and to encourage the development of specialized health services, including comprehensive, free and confidential forensic examinations by trained health providers and appropriate treatment, including HIV-specific treatment.

VIII. Training

20. Member States, in cooperation with relevant non-governmental organizations and professional associations, are urged, as appropriate:

(a) To provide for or to encourage mandatory cross-cultural, gender and child-sensitivity training modules for police, criminal justice officials and professionals involved in the criminal justice system on the unacceptability of all forms of violence against women and on their harmful impact and consequences on all those who experience such violence;

(b) To ensure that police, criminal justice officials and other professionals involved in the criminal justice system receive adequate training and continued education on all relevant national laws, policies and programmes, as well as international legal instruments;

(c) To ensure that police, criminal justice officials and other relevant authorities are adequately trained to identify and respond appropriately to the specific needs of women victims of violence, including victims of trafficking; to receive and treat all victims respectfully with a view to avoiding secondary victimization; to handle complaints confidentially; to conduct safety assessments and risk management; and to use and enforce protection orders;

(d) To encourage relevant professional associations to develop enforceable standards of practice and behaviour and codes of conduct that promote justice and gender equality.

IX. Research and evaluation

21. Member States, the institutes of the United Nations crime prevention and criminal justice programme network, relevant entities of the United Nations system, other relevant international organizations, research institutes, non-governmental organizations and professional associations are urged, as appropriate:

(a) To set up and strengthen mechanisms for systematic and coordinated data collection on violence against women;

(b) To develop both modules and dedicated population-based surveys, including crime surveys, for assessing the nature and extent of violence against women;

(c) To collect, analyse and publish data and information, including data and information disaggregated by gender, for use in carrying out needs assessments, taking decisions and developing policy in the field of crime prevention and criminal justice, in particular concerning:

(i) The different forms of violence against women; the causes, risk factors and levels of severity of such violence; and the consequences and impacts of such violence, including on different population subgroups;

(ii) The extent to which economic deprivation and exploitation are linked to violence against women;

(iii) The patterns, trends and indicators of violence against women, women's feelings of insecurity in the public and private spheres and factors that can reduce such feelings of insecurity;

(iv) The relationship between the victim and the offender;

(v) The effect of various types of interventions on the individual offender and on the reduction and elimination of violence against women as a whole;

(vi) The use of weapons and of drugs, alcohol and other substances in cases of violence against women;

(vii) The relationship between victimization or exposure to violence and subsequent violent activity;

(viii) The relationship between the violence experienced by women and women's vulnerability to other types of abuse;

(ix) The consequences of violence on those who witness it, particularly within the family;

(d) To monitor, and publish annual reports on, the number of cases of violence against women reported to the police as well as other criminal justice agencies, including arrest and clearance rates, prosecution and case disposition of the offenders and the prevalence of violence against women; in doing so, use should be made of data derived from population-based surveys. Such reports should disaggregate data by type of violence and include, for example, information on the sex of the perpetrator and his or her relationship to the victim;

(e) To evaluate the efficiency and effectiveness of the criminal justice system in meeting the needs of women subjected to violence, including with regard to the way in which the criminal justice system treats victims and witnesses of acts of violence, the use it makes of different intervention models and the degree to which it cooperates with providers of services to victims and witnesses, as well as to evaluate and assess the impact of current legislation, rules and procedures relating to violence against women;

(f) To evaluate the efficiency and effectiveness of offender treatment, rehabilitation and reintegration programmes, in consultation with relevant stakeholders, including victims and victim service providers;

(g) To be guided by existing ongoing efforts at the international level to develop a set of indicators to measure violence against women and to ensure a multisectoral, coordinated approach to the development, implementation, monitoring and evaluation of data-collection initiatives;

(h) To ensure that data on violence against women are collected in a way that respects the confidentiality and human rights of women and does not jeopardize their safety;

(i) To encourage and provide sufficient financial support for research n violence against women.

X. Crime prevention measures

22. Member States and the private sector, relevant non-governmental organizations and professional associations are urged, as appropriate:

(a) To develop and implement relevant and effective public awareness and public education initiatives, as well as school programmes and curricula, that prevent violence against women by promoting respect for human rights, equality, cooperation, mutual respect and shared responsibilities between women and men;

(b) To develop codes of conduct for personnel in public and private entities that prohibit violence against women, including sexual harassment, and include safe complaint and referral procedures;

(c) To develop multidisciplinary and gender-sensitive approaches within public and private entities that seek to prevent violence against women, especially through partnerships between law enforcement officials and services specialized in the protection of women victims of violence;

(d) To develop programmes to assess perceptions of public safety and to develop safety planning, environmental design and management of public space in order to reduce the risk of violence against women;

(e) To set up outreach programmes and provide relevant information to women about gender roles, women's human rights and the social, health, legal and economic aspects of violence against women in order to empower women to protect themselves and their children against all forms of violence;

(f) To set up outreach programmes for offenders or persons identified as potential offenders in order to promote non-violent behaviour and attitudes and respect for equality and the rights of women;

(g) To develop and disseminate, in a manner appropriate to the audience concerned, including in educational institutions at all levels, information and awareness-raising materials on the different forms of violence that are perpetrated against women and the availability of relevant programmes that include information on the relevant provisions of criminal law, the functions of the criminal justice system, the victim support mechanisms that are available and the existing programmes concerning non-violent behaviour and the peaceful resolution of conflicts;

(h) To support all initiatives, including those of non-governmental organizations and other relevant organizations seeking women's equality, to raise public awareness of the issue of violence against women and to contribute to the elimination of such violence;

(i) To facilitate the work at lower levels of government, including among city and local community authorities, to promote an integrated approach that makes use of the range of local services provided by institutions and civil society for the development of preventive strategies and programmes.

23. Member States and the media, media associations, media self-regulatory bodies, schools and other relevant partners, while respecting the freedom of the

media, are urged, as appropriate, to develop public awareness campaigns and appropriate measures and mechanisms, such as codes of ethics and self-regulatory measures on media violence, aimed at enhancing respect for the rights and dignity of women, while discouraging both discrimination and gender stereotyping.

24. Member States and the private sector, relevant non-governmental organizations and professional associations are urged to develop and improve, where appropriate, crime prevention and criminal justice responses to the production, possession and dissemination of games, images and all other materials that depict or glorify acts of violence against women and children, and their impact on the general public's attitude towards women and children, as well as the mental and emotional development of children, particularly through new information technologies, including the Internet.

XI. International cooperation

25. Member States, in cooperation with United Nations bodies and institutes and other relevant organizations, are urged, as appropriate:

(a) To continue exchanging information concerning successful intervention models and preventive programmes in eliminating all forms of violence against women and to update the resource manual and the compendium on the Model Strategies and Practical Measures, as well as provide information for inclusion in the Secretary-General's database on violence against women;[31]

(b) To cooperate and collaborate at the bilateral, regional and international levels with relevant entities to prevent violence against women; to provide safety, assistance and protection for the victims and witnesses of violence and their family members, as appropriate; and to promote measures to effectively bring perpetrators to justice, through strengthened mechanisms of international cooperation and mutual legal assistance;

(c) To develop provisions providing for the safe and, to the extent possible, voluntary repatriation and reintegration of women victims of violence who have been trafficked or kidnapped across borders;

(d) To contribute and provide support to the United Nations system in its efforts to eliminate all forms of violence against women;

(e) To take appropriate preventive action and to ensure full accountability in cases of sexual exploitation and abuse involving troops and police in United Nations peacekeeping operations.

26. Member States are also urged:

(a) To condemn all acts of violence against women in situations of armed conflict, to recognize them as violations of international human rights, humanitarian law and international criminal law, to call for a particularly effective response to such violations, in particular when they involve murder, systematic rape, sexual slavery and forced pregnancy, and to implement Security Council resolutions 1325 (2000) and 1820 (2008) on women and peace and security;

(b) To work actively towards universal ratification of or accession to all relevant treaties and to promote their full implementation, including the Convention

[31] Available from www.un.org/esa/vawdatabase.

on the Elimination of All Forms of Discrimination against Women and its Optional Protocol,[32] the Rome Statute of the International Criminal Court, the Convention on the Rights of the Child and its Optional Protocol on the sale of children, child prostitution and child pornography, and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime;

(c) To formulate any reservations to the Convention on the Elimination of All Forms of Discrimination against Women in a manner that is as precise and as narrow as possible and to ensure that any such reservations are not incompatible with the object and purpose of that Convention;

(d) To work actively towards the ratification of or accession to existing regional instruments and agreements aimed at combating violence against women, and to promote their implementation;

(e) To include in periodic reports to the Committee on the Elimination of Discrimination against Women information on efforts made to implement the updated Model Strategies and Practical Measures;

(f) To cooperate with the International Criminal Court, ad hoc international criminal tribunals and other international criminal tribunals in the investigation and prosecution of the perpetrators of genocide, crimes against humanity and war crimes, particularly of those crimes involving gender-based violence, and to enable women who have been subjected to violence to give testimony and participate in all stages of the proceedings while protecting the safety, interests, identity and privacy of those women;

(g) To cooperate with and assist the Special Rapporteur on violence against women, its causes and consequences and the Special Rapporteur on trafficking in persons, especially in women and children, in performing their mandated tasks and duties by supplying all information requested and responding to the Special Rapporteurs' visits and communications.

XII. Follow-up activities

27. Member States, United Nations bodies, the institutes of the United Nations crime prevention and criminal justice programme network, other relevant international and regional organizations, research institutes, non-governmental organizations and professional organizations, including organizations seeking women's equality, are urged, as appropriate:

(a) To encourage the translation of the updated Model Strategies and Practical Measures into local languages and to ensure their wide dissemination and use in training and education programmes;

(b) To draw, as appropriate, on the updated Model Strategies and Practical Measures in the development of legislation, procedures, policies and practices in responding to violence against women;

(c) To assist States, upon request, in developing strategies and programmes to prevent violence against women and in reviewing and evaluating their criminal justice systems, including their criminal legislation, on the basis of the updated Model Strategies and Practical Measures;

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[32] United Nations, *Treaty Series*, vol. 2131, No. 20378.

(d) To support the technical cooperation activities of the institutes of the United Nations crime prevention and criminal justice programme network aimed at eliminating all forms of violence against women;

(e) To develop coordinated national, regional and subregional plans and programmes to implement the updated Model Strategies and Practical Measures;

(f) To design standard training programmes and manuals for police and criminal justice officials based on the updated Model Strategies and Practical Measures;

(g) To periodically monitor and review progress made at the national and international levels in terms of plans, programmes and initiatives to eliminate all forms of violence against women;

(h) To periodically review and update, if necessary, the updated Model Strategies and Practical Measures.

Draft resolution III
United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

The General Assembly,

Recalling the United Nations standards and norms in crime prevention and criminal justice primarily related to the treatment of prisoners, in particular the Standard Minimum Rules for the Treatment of Prisoners,[1] the procedures for the effective implementation of the Standard Minimum Rules for the Treatment of Prisoners,[2] the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment[3] and the Basic Principles for the Treatment of Prisoners,[4]

Recalling also the United Nations standards and norms in crime prevention and criminal justice primarily related to alternatives to imprisonment, in particular the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)[5] and the basic principles on the use of restorative justice programmes in criminal matters,[6]

Recalling further its resolution 58/183 of 22 December 2003, in which it invited Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote increased attention to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and the ways in which they can be addressed,

Considering the alternatives to imprisonment as provided for in the Tokyo Rules and taking into consideration the gender specificities of, and the consequent need to give priority to applying non-custodial measures to, women who have come into contact with the criminal justice system,

Mindful of its resolution 61/143 of 19 December 2006, in which it urged States to, inter alia, take positive measures to address structural causes of violence against women and to strengthen prevention efforts that addressed discriminatory practices and social norms, including with regard to women who need special attention in the development of policies to address violence, such as women in institutions or in detention,

Mindful also of its resolution 63/241 of 24 December 2008, in which it called upon all States to give attention to the impact of parental detention and imprisonment on children and, in particular, to identify and promote good practices in relation to the needs and physical, emotional, social and psychological development of babies and children affected by parental detention and imprisonment,

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[1] *Human Rights: A Compilation of International Instruments*, vol. I, Part I: *Universal Instruments* (United Nations publication, Sales No. E.02.XIV.4 (vol. I, Part I)), sect. J, No. 34.

[2] Economic and Social Council resolution 1984/47, annex.

[3] Resolution 43/173, annex.

[4] Resolution 45/111, annex.

[5] Resolution 45/110, annex.

[6] Economic and Social Council resolution 2002/12, annex.

Taking into consideration the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[7] in which Member States committed themselves, inter alia, to the development of action-oriented policy recommendations based on the special needs of women as prisoners and offenders, and the plans of action for the implementation of the Declaration,[8]

Calling attention to the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[9] as it relates specifically to women in detention and in custodial and non-custodial settings,

Recalling that, in the Bangkok Declaration, Member States recommended to the Commission on Crime Prevention and Criminal Justice that it give consideration to reviewing the adequacy of standards and norms in relation to prison management and prisoners,

Having taken note of the initiative of the United Nations High Commissioner for Human Rights to designate the week from 6 to 12 October 2008 as Dignity and Justice for Detainees Week, which placed particular emphasis on the human rights of women and girls,

Considering that women prisoners are one of the vulnerable groups that have specific needs and requirements,

Aware of the fact that many existing prison facilities worldwide were designed primarily for male prisoners, whereas the number of female prisoners has significantly increased over the years,

Recognizing that a number of female offenders do not pose a risk to society and, as with all offenders, their imprisonment may render their social reintegration more difficult,

Welcoming the development by the United Nations Office on Drugs and Crime of the *Handbook for Prison Managers and Policymakers on Women and Imprisonment*,[10]

Welcoming also the invitation contained in Human Rights Council resolution 10/2 of 25 March 2009[11] to Governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote greater attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem,

Welcoming further the collaboration between the World Health Organization Regional Office for Europe and the United Nations Office on Drugs and Crime, and taking note of the Kyiv Declaration on Women's Health in Prisons,[12]

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[7] Resolution 55/59, annex.

[8] Resolution 56/261, annex.

[9] Resolution 60/177, annex.

[10] United Nations publication, Sales No. E.08.IV.4.

[11] See *Official Records of the General Assembly, Sixty-fourth Session, Supplement No. 53* (A/64/53), chap. II, sect. A.

[12] World Health Organization Regional Office for Europe and United Nations Office on Drugs and Crime, *Women's Health in Prison: Correcting Gender Inequity in Prison Health* (Copenhagen, 2009).

Taking note of the Guidelines for the Alternative Care of Children,[13]

Recalling Commission on Crime Prevention and Criminal Justice resolution 18/1 of 24 April 2009,[14] in which the Commission requested the Executive Director of the United Nations Office on Drugs and Crime to convene in 2009 an open-ended intergovernmental expert group meeting to develop, consistent with the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules, supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings; welcomed the offer by the Government of Thailand to act as host to the expert group meeting; and requested the expert group meeting to submit the outcome of its work to the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, subsequently held in Salvador, Brazil, from 12 to 19 April 2010,

Recalling also that the four regional preparatory meetings for the Twelfth United Nations Congress on Crime Prevention and Criminal Justice welcomed the development of a set of supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings,[15]

Recalling further the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[16] in which Member States recommended that the Commission on Crime Prevention and Criminal Justice consider the draft United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders as a matter of priority for appropriate action,

1. *Takes note with appreciation* of the work of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings at its meeting held in Bangkok from 23 to 26 November 2009 and of the outcome of that meeting;[17]

2. *Expresses its gratitude* to the Government of Thailand for having acted as host to the meeting of the expert group and for the financial support provided for the organization of the meeting;

3. *Adopts* the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, annexed to the present resolution, and approves the recommendation of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice that the Rules should be known as "the Bangkok Rules";

4. *Recognizes* that, in view of the great variety of legal, social, economic and geographical conditions in the world, not all of the rules can be applied equally in all places and at all times; and that they should, however, serve to stimulate a constant endeavour to overcome practical difficulties in their application, in the knowledge that they represent, as a whole, global aspirations amenable to the

[13] Resolution 64/142, annex.

[14] See *Official Records of the Economic and Social Council, 2009, Supplement No. 10* (E/2009/30), chap. I, sect. D.

[15] A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1.

[16] A/CONF.213/18, chap. I, resolution 1.

[17] A/CONF.213/17.

common goal of improving outcomes for women prisoners, their children and their communities;

5. *Encourages* Member States to adopt legislation to establish alternatives to imprisonment and to give priority to the financing of such systems, as well as to the development of the mechanisms needed for their implementation;

6. *Encourages* Member States having developed legislation, procedures, policies or practices for women in prison or on alternatives to imprisonment for women offenders to make information available to other States and relevant international, regional and intergovernmental organizations, as well as non-governmental organizations, and to assist them in developing and implementing training or other activities in relation to such legislation, procedures, policies or practices;

7. *Invites* Member States to take into consideration the specific needs and realities of women as prisoners when developing relevant legislation, procedures, policies and action plans and to draw, as appropriate, on the Bangkok Rules;

8. *Also invites* Member States to collect, maintain, analyse and publish, as appropriate, specific data on women in prison and women offenders;

9. *Emphasizes* that, when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary caretaker, non-custodial measures should be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent;

10. *Requests* the United Nations Office on Drugs and Crime to provide technical assistance and advisory services to Member States, upon request, in order to develop or strengthen, as appropriate, legislation, procedures, policies and practices for women in prison and on alternatives to imprisonment for women offenders;

11. *Also requests* the United Nations Office on Drugs and Crime to take steps, as appropriate, to ensure broad dissemination of the Bangkok Rules, as a supplement to the Standard Minimum Rules for the Treatment of Prisoners[1] and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules),[5] and the intensification of information activities in this area;

12. *Further requests* the United Nations Office on Drugs and Crime to increase its cooperation with other relevant United Nations entities, intergovernmental and regional organizations and non-governmental organizations in the provision of relevant assistance to countries and to identify needs and capacities of countries in order to increase country-to-country and South-South cooperation;

13. *Invites* specialized agencies of the United Nations system and relevant regional and international intergovernmental and non-governmental organizations to engage in the implementation of the Bangkok Rules;

14. *Invites* Member States and other donors to provide extrabudgetary contributions for such purposes, in accordance with the rules and procedures of the United Nations.

Annex

United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)

Preliminary observations

1. The Standard Minimum Rules for the Treatment of Prisoners[1] apply to all prisoners without discrimination; therefore, the specific needs and realities of all prisoners, including of women prisoners, should be taken into account in their application. The Rules, adopted more than 50 years ago, did not, however, draw sufficient attention to women's particular needs. With the increase in the number of women prisoners worldwide, the need to bring more clarity to considerations that should apply to the treatment of women prisoners has acquired importance and urgency.

2. Recognizing the need to provide global standards with regard to the distinct considerations that should apply to women prisoners and offenders and taking into account a number of relevant resolutions adopted by different United Nations bodies, in which Member States were called on to respond appropriately to the needs of women offenders and prisoners, the present rules have been developed to complement and supplement, as appropriate, the Standard Minimum Rules for the Treatment of Prisoners and the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)[5] in connection with the treatment of women prisoners and alternatives to imprisonment for women offenders.

3. The present rules do not in any way replace the Standard Minimum Rules for the Treatment of Prisoners or the Tokyo Rules and, therefore, all relevant provisions contained in those two sets of rules continue to apply to all prisoners and offenders without discrimination. While some of the present rules bring further clarity to existing provisions in the Standard Minimum Rules for the Treatment of Prisoners and in the Tokyo Rules in their application to women prisoners and offenders, others cover new areas.

4. These rules are inspired by principles contained in various United Nations conventions and declarations and are therefore consistent with the provisions of existing international law. They are addressed to prison authorities and criminal justice agencies (including policymakers, legislators, the prosecution service, the judiciary and the probation service) involved in the administration of non-custodial sanctions and community-based measures.

5. The specific requirements for addressing the situation of women offenders have been emphasized at the United Nations in various contexts. For example, in 1980, the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders adopted a resolution on the specific needs of women prisoners, in which it recommended that, in the implementation of the resolutions adopted by the Sixth Congress directly or indirectly relevant to the treatment of offenders, recognition should be given to the specific problems of women prisoners and the need to provide the means for their solution; that, in countries where it was not yet done, programmes and services used as alternatives to imprisonment should be made available to women offenders on an equal basis with male offenders; and that the United Nations, the governmental and non-governmental organizations in consultative status with it and all other international organizations should make continuing efforts to ensure that the woman offender was treated fairly and equally

during arrest, trial, sentence and imprisonment, particular attention being paid to the special problems which women offenders encounter, such as pregnancy and child care.[18]

6. The Seventh Congress,[19] the Eighth Congress[20] and the Ninth Congress[21] also made specific recommendations concerning women prisoners.

7. In the Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century,[7] adopted also by the Tenth Congress, Member States committed themselves to taking into account and addressing, within the United Nations crime prevention and criminal justice programme, as well as within national crime prevention and criminal justice strategies, any disparate impact of programmes and policies on women and men (para. 11); and to the development of action-oriented policy recommendations based on the special needs of women as prisoners and offenders (para. 12). The plans of action for the implementation of the Vienna Declaration[8] contain a separate section (sect. XIII) devoted to specific recommended measures to follow up on the commitments undertaken in paragraphs 11 and 12 of the Declaration, including that of States reviewing, evaluating and, if necessary, modifying their legislation, policies, procedures and practices relating to criminal matters, in a manner consistent with their legal systems, in order to ensure that women are treated fairly by the criminal justice system.

8. The General Assembly, in its resolution 58/183 of 22 December 2003, entitled "Human rights in the administration of justice", called for increased attention to be devoted to the issue of women in prison, including the children of women in prison, with a view to identifying the key problems and ways in which they could be addressed.

9. In its resolution 61/143 of 19 December 2006, entitled "Intensification of efforts to eliminate all forms of violence against women", the General Assembly stressed that "violence against women" meant any act of gender-based violence resulting in, or likely to result in, physical, sexual or psychological harm or suffering to women, including arbitrary deprivation of liberty, whether occurring in public or in private life, and urged States to review and, where appropriate, revise,

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[18] *Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, 25 August-5 September 1980: report prepared by the Secretariat* (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. B, resolution 9 (on the fair treatment of women by the criminal justice system).

[19] *Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985: report prepared by the Secretariat* (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E, resolution 6 (on the fair treatment of women by the criminal justice system).

[20] Basic Principles for the Treatment of Prisoners (General Assembly resolution 45/111, annex); *Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Havana, 27 August-7 September 1990: report prepared by the Secretariat* (United Nations publication, Sales No. E.91.IV.2), chap. I, sect. C, resolutions 17 (on pretrial detention), 19 (on the management of criminal justice and development of sentencing policies) and 21 (on international and interregional cooperation in prison management and community-based sanctions and other matters).

[21] A/CONF.169/16/Rev.1, chap. I, resolutions 1 (on recommendations on the four substantive topics of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders), 5 (on the practical implementation of the Standard Minimum Rules for the Treatment of Prisoners) and 8 (on the elimination of violence against women).

amend or abolish all laws, regulations, policies, practices and customs discriminating against women or having a discriminatory impact on women, and ensure that provisions of multiple legal systems, where they existed, complied with international human rights obligations, commitments and principles, including the principle of non-discrimination; to take positive measures to address structural causes of violence against women and to strengthen prevention efforts addressing discriminatory practices and social norms, including with regard to women in need of special attention, such as women in institutions or in detention; and to provide training and capacity-building on gender equality and women's rights for law enforcement personnel and the judiciary. The resolution is an acknowledgement of the fact that violence against women has specific implications for women's contact with the criminal justice system, as well as their right to be free of victimization while imprisoned. Physical and psychological safety is critical to ensuring human rights and improving outcomes for women offenders, of which the present rules take account.

10. Finally, in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,[9] adopted by the Eleventh United Nations Congress on Crime Prevention and Criminal Justice on 25 April 2005, Member States declared that they were committed to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pretrial and correctional facilities, in accordance with applicable international standards (para. 8); and they recommended that the Commission on Crime Prevention and Criminal Justice should give consideration to reviewing the adequacy of standards and norms in relation to prison management and prisoners (para. 30).

11. As with the Standard Minimum Rules for the Treatment of Prisoners, in view of the great variety of legal, social, economic and geographical conditions worldwide, it is evident that not all of the following rules can be equally applied in all places and at all times. They should, however, serve to stimulate a constant endeavour to overcome practical difficulties in how they are applied, in the knowledge that they represent, as a whole, the global aspirations considered by the United Nations as leading to the common goal of improving outcomes for women prisoners, their children and their communities.

12. Some of these rules address issues applicable to both men and women prisoners, including those relating to parental responsibilities, some medical services, searching procedures and the like, although the rules are mainly concerned with the needs of women and their children. However, as the focus includes the children of imprisoned mothers, there is a need to recognize the central role of both parents in the lives of children. Accordingly, some of these rules would apply equally to male prisoners and offenders who are fathers.

Introduction

13. The following rules do not in any way replace the Standard Minimum Rules for the Treatment of Prisoners and the Tokyo Rules. Therefore, all provisions contained in those two sets of rules continue to apply to all prisoners and offenders without discrimination.

14. Section I of the present rules, covering the general management of institutions, is applicable to all categories of women deprived of their liberty, including criminal

or civil, untried or convicted women prisoners, as well as women subject to "security measures" or corrective measures ordered by a judge.

15. Section II contains rules applicable only to the special categories dealt with in each subsection. Nevertheless, the rules under subsection A, applicable to prisoners under sentence, shall be equally applicable to the category of prisoners dealt with in subsection B, provided they do not conflict with the rules governing that category of women and are for their benefit.

16. Subsections A and B both provide additional rules for the treatment of juvenile female prisoners. It is important to note, however, that separate strategies and policies in accordance with international standards, in particular the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules),[22] the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines),[23] the United Nations Rules for the Protection of Juveniles Deprived of their Liberty[24] and the Guidelines for Action on Children in the Criminal Justice System,[25] need to be designed for the treatment and rehabilitation of this category of prisoners, while institutionalization shall be avoided to the maximum possible extent.

17. Section III contains rules covering the application of non-custodial sanctions and measures for women and juvenile female offenders, including on arrest and at the pretrial, sentencing and post-sentencing stages of the criminal justice process.

18. Section IV contains rules on research, planning, evaluation, public awareness-raising and sharing of information, and is applicable to all categories of female offenders covered in these rules.

I. Rules of general application

1. Basic principle

[*Supplements rule 6 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 1

In order for the principle of non-discrimination, embodied in rule 6 of the Standard Minimum Rules for the Treatment of Prisoners to be put into practice, account shall be taken of the distinctive needs of women prisoners in the application of the Rules. Providing for such needs in order to accomplish substantial gender equality shall not be regarded as discriminatory.

2. Admission

Rule 2

1. Adequate attention shall be paid to the admission procedures for women and children, due to their particular vulnerability at this time. Newly arrived women prisoners shall be provided with facilities to contact their relatives; access to legal advice; information about prison rules and regulations, the prison regime and where

[22] Resolution 40/33, annex.
[23] Resolution 45/112, annex.
[24] Resolution 45/113, annex.
[25] Economic and Social Council resolution 1997/30, annex.

to seek help when in need in a language that they understand; and, in the case of foreign nationals, access to consular representatives as well.

2. Prior to or on admission, women with caretaking responsibilities for children shall be permitted to make arrangements for those children, including the possibility of a reasonable suspension of detention, taking into account the best interests of the children.

3. Register

[*Supplements rule 7 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 3

1. The number and personal details of the children of a woman being admitted to prison shall be recorded at the time of admission. The records shall include, without prejudicing the rights of the mother, at least the names of the children, their ages and, if not accompanying the mother, their location and custody or guardianship status.

2. All information relating to the children's identity shall be kept confidential, and the use of such information shall always comply with the requirement to take into account the best interests of the children.

4. Allocation

Rule 4

Women prisoners shall be allocated, to the extent possible, to prisons close to their home or place of social rehabilitation, taking account of their caretaking responsibilities, as well as the individual woman's preference and the availability of appropriate programmes and services.

5. Personal hygiene

[*Supplements rules 15 and 16 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 5

The accommodation of women prisoners shall have facilities and materials required to meet women's specific hygiene needs, including sanitary towels provided free of charge and a regular supply of water to be made available for the personal care of children and women, in particular women involved in cooking and those who are pregnant, breastfeeding or menstruating.

6. Health-care services

[*Supplements rules 22-26 of the Standard Minimum Rules for the Treatment of Prisoners*]

(a) Medical screening on entry

[*Supplements rule 24 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 6

The health screening of women prisoners shall include comprehensive screening to determine primary health-care needs, and also shall determine:

(a) The presence of sexually transmitted diseases or blood-borne diseases; and, depending on risk factors, women prisoners may also be offered testing for HIV, with pre- and post-test counselling;

(b) Mental health-care needs, including post-traumatic stress disorder and risk of suicide and self-harm;

(c) The reproductive health history of the woman prisoner, including current or recent pregnancies, childbirth and any related reproductive health issues;

(d) The existence of drug dependency;

(e) Sexual abuse and other forms of violence that may have been suffered prior to admission.

Rule 7

1. If the existence of sexual abuse or other forms of violence before or during detention is diagnosed, the woman prisoner shall be informed of her right to seek recourse from judicial authorities. The woman prisoner should be fully informed of the procedures and steps involved. If the woman prisoner agrees to take legal action, appropriate staff shall be informed and immediately refer the case to the competent authority for investigation. Prison authorities shall help such women to access legal assistance.

2. Whether or not the woman chooses to take legal action, prison authorities shall endeavour to ensure that she has immediate access to specialized psychological support or counselling.

3. Specific measures shall be developed to avoid any form of retaliation against those making such reports or taking legal action.

Rule 8

The right of women prisoners to medical confidentiality, including specifically the right not to share information and not to undergo screening in relation to their reproductive health history, shall be respected at all times.

Rule 9

If the woman prisoner is accompanied by a child, that child shall also undergo health screening, preferably by a child health specialist, to determine any treatment

and medical needs. Suitable health care, at least equivalent to that in the community, shall be provided.

(b) Gender-specific health care

Rule 10

1. Gender-specific health-care services at least equivalent to those available in the community shall be provided to women prisoners.

2. If a woman prisoner requests that she be examined or treated by a woman physician or nurse, a woman physician or nurse shall be made available, to the extent possible, except for situations requiring urgent medical intervention. If a male medical practitioner undertakes the examination contrary to the wishes of the woman prisoner, a woman staff member shall be present during the examination.

Rule 11

1. Only medical staff shall be present during medical examinations unless the doctor is of the view that exceptional circumstances exist or the doctor requests a member of the prison staff to be present for security reasons or the woman prisoner specifically requests the presence of a member of staff as indicated in rule 10, paragraph 2 above.

2. If it is necessary for non-medical prison staff to be present during medical examinations, such staff should be women and examinations shall be carried out in a manner that safeguards privacy, dignity and confidentiality.

(c) Mental health and care

Rule 12

Individualized, gender-sensitive, trauma-informed and comprehensive mental health care and rehabilitation programmes shall be made available for women prisoners with mental health-care needs in prison or in non-custodial settings.

Rule 13

Prison staff shall be made aware of times when women may feel particular distress, so as to be sensitive to their situation and ensure that the women are provided appropriate support.

(d) HIV prevention, treatment, care and support

Rule 14

In developing responses to HIV/AIDS in penal institutions, programmes and services shall be responsive to the specific needs of women, including prevention of mother-to-child transmission. In this context, prison authorities shall encourage and support the development of initiatives on HIV prevention, treatment and care, such as peer-based education.

(e) Substance abuse treatment programmes

Rule 15

Prison health services shall provide or facilitate specialized treatment programmes designed for women substance abusers, taking into account prior victimization, the special needs of pregnant women and women with children, as well as their diverse cultural backgrounds.

(f) Suicide and self-harm prevention

Rule 16

Developing and implementing strategies, in consultation with mental health-care and social welfare services, to prevent suicide and self-harm among women prisoners and providing appropriate, gender-specific and specialized support to those at risk shall be part of a comprehensive policy of mental health care in women's prisons.

(g) Preventive health-care services

Rule 17

Women prisoners shall receive education and information about preventive health-care measures, including from HIV, sexually transmitted diseases and other blood-borne diseases, as well as gender-specific health conditions.

Rule 18

Preventive health-care measures of particular relevance to women, such as Papanicolaou tests and screening for breast and gynaecological cancer, shall be offered to women prisoners on an equal basis with women of the same age in the community.

7. Safety and security

[*Supplements rules 27-36 of the Standard Minimum Rules for the Treatment of Prisoners*]

(a) Searches

Rule 19

Effective measures shall be taken to ensure that women prisoners' dignity and respect are protected during personal searches, which shall only be carried out by women staff who have been properly trained in appropriate searching methods and in accordance with established procedures.

Rule 20

Alternative screening methods, such as scans, shall be developed to replace strip searches and invasive body searches, in order to avoid the harmful psychological and possible physical impact of invasive body searches.

Rule 21

Prison staff shall demonstrate competence, professionalism and sensitivity and shall preserve respect and dignity when searching both children in prison with their mother and children visiting prisoners.

(b) Discipline and punishment

[*Supplements rules 27-32 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 22

Punishment by close confinement or disciplinary segregation shall not be applied to pregnant women, women with infants and breastfeeding mothers in prison.

Rule 23

Disciplinary sanctions for women prisoners shall not include a prohibition of family contact, especially with children.

(c) Instruments of restraint

[*Supplements rules 33-34 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 24

Instruments of restraint shall never be used on women during labour, during birth and immediately after birth.

(d) Information to and complaints by prisoners; inspections

[*Supplements rules 35 and 36 and, with regard to inspection, rule 55 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 25

1. Women prisoners who report abuse shall be provided immediate protection, support and counselling, and their claims shall be investigated by competent and independent authorities, with full respect for the principle of confidentiality. Protection measures shall take into account specifically the risks of retaliation.

2. Women prisoners who have been subjected to sexual abuse, and especially those who have become pregnant as a result, shall receive appropriate medical advice and counselling and shall be provided with the requisite physical and mental health care, support and legal aid.

3. In order to monitor the conditions of detention and treatment of women prisoners, inspectorates, visiting or monitoring boards or supervisory bodies shall include women members.

8. Contact with the outside world

[*Supplements rules 37-39 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 26

Women prisoners' contact with their families, including their children, their children's guardians and legal representatives shall be encouraged and facilitated by all reasonable means. Where possible, measures shall be taken to counterbalance disadvantages faced by women detained in institutions located far from their homes.

Rule 27

Where conjugal visits are allowed, women prisoners shall be able to exercise this right on an equal basis with men.

Rule 28

Visits involving children shall take place in an environment that is conducive to a positive visiting experience, including with regard to staff attitudes, and shall allow open contact between mother and child. Visits involving extended contact with children should be encouraged, where possible.

9. Institutional personnel and training

[*Supplements rules 46-55 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 29

Capacity-building for staff employed in women's prisons shall enable them to address the special social reintegration requirements of women prisoners and manage safe and rehabilitative facilities. Capacity-building measures for women staff shall also include access to senior positions with key responsibility for the development of policies and strategies relating to the treatment and care of women prisoners.

Rule 30

There shall be a clear and sustained commitment at the managerial level in prison administrations to prevent and address gender-based discrimination against women staff.

Rule 31

Clear policies and regulations on the conduct of prison staff aimed at providing maximum protection for women prisoners from any gender-based physical or verbal violence, abuse and sexual harassment shall be developed and implemented.

Rule 32

Women prison staff shall receive equal access to training as male staff, and all staff involved in the management of women's prisons shall receive training on gender sensitivity and prohibition of discrimination and sexual harassment.

Rule 33

1. All staff assigned to work with women prisoners shall receive training relating to the gender-specific needs and human rights of women prisoners.

2. Basic training shall be provided for prison staff working in women's prisons on the main issues relating to women's health, in addition to first aid and basic medicine.

3. Where children are allowed to stay with their mothers in prison, awareness-raising on child development and basic training on the health care of children shall also be provided to prison staff, in order for them to respond appropriately in times of need and emergencies.

Rule 34

Capacity-building programmes on HIV shall be included as part of the regular training curricula of prison staff. In addition to HIV/AIDS prevention, treatment, care and support, issues such as gender and human rights, with a particular focus on their link to HIV, stigma and discrimination, shall also be part of the curriculum.

Rule 35

Prison staff shall be trained to detect mental health-care needs and risk of self-harm and suicide among women prisoners and to offer assistance by providing support and referring such cases to specialists.

10. Juvenile female prisoners

Rule 36

Prison authorities shall put in place measures to meet the protection needs of juvenile female prisoners.

Rule 37

Juvenile female prisoners shall have equal access to education and vocational training that are available to juvenile male prisoners.

Rule 38

Juvenile female prisoners shall have access to age- and gender-specific programmes and services, such as counselling for sexual abuse or violence. They shall receive education on women's health care and have regular access to gynaecologists, similar to adult female prisoners.

Rule 39

Pregnant juvenile female prisoners shall receive support and medical care equivalent to that provided for adult female prisoners. Their health shall be

monitored by a medical specialist, taking account of the fact that they may be at greater risk of health complications during pregnancy due to their age.

II. Rules applicable to special categories

A. Prisoners under sentence

1. Classification and individualization

[*Supplements rules 67-69 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 40

Prison administrators shall develop and implement classification methods addressing the gender-specific needs and circumstances of women prisoners to ensure appropriate and individualized planning and implementation towards those prisoners' early rehabilitation, treatment and reintegration into society.

Rule 41

The gender-sensitive risk assessment and classification of prisoners shall:

(a) Take into account the generally lower risk posed by women prisoners to others, as well as the particularly harmful effects that high-security measures and increased levels of isolation can have on women prisoners;

(b) Enable essential information about women's backgrounds, such as violence they may have experienced, history of mental disability and substance abuse, as well as parental and other caretaking responsibilities, to be taken into account in the allocation and sentence planning process;

(c) Ensure that women's sentence plans include rehabilitative programmes and services that match their gender-specific needs;

(d) Ensure that those with mental health-care needs are housed in accommodation which is not restrictive, and at the lowest possible security level, and receive appropriate treatment, rather than being placed in higher security level facilities solely due to their mental health problems.

2. Prison regime

[*Supplements rules 65, 66 and 70-81 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 42

1. Women prisoners shall have access to a balanced and comprehensive programme of activities, which take account of gender-appropriate needs.

2. The regime of the prison shall be flexible enough to respond to the needs of pregnant women, nursing mothers and women with children. Childcare facilities or arrangements shall be provided in prisons in order to enable women prisoners to participate in prison activities.

3. Particular efforts shall be made to provide appropriate programmes for pregnant women, nursing mothers and women with children in prison.

4. Particular efforts shall be made to provide appropriate services for women prisoners who have psychosocial support needs, especially those who have been subjected to physical, mental or sexual abuse.

Social relations and aftercare

[*Supplements rules 79-81 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 43

Prison authorities shall encourage and, where possible, also facilitate visits to women prisoners as an important prerequisite to ensuring their mental well-being and social reintegration.

Rule 44

In view of women prisoners' disproportionate experience of domestic violence, they shall be properly consulted as to who, including which family members, is allowed to visit them.

Rule 45

Prison authorities shall utilize options such as home leave, open prisons, halfway houses and community-based programmes and services to the maximum possible extent for women prisoners, to ease their transition from prison to liberty, to reduce stigma and to re-establish their contact with their families at the earliest possible stage.

Rule 46

Prison authorities, in cooperation with probation and/or social welfare services, local community groups and non-governmental organizations, shall design and implement comprehensive pre- and post-release reintegration programmes which take into account the gender-specific needs of women.

Rule 47

Additional support following release shall be provided to released women prisoners who need psychological, medical, legal and practical help to ensure their successful social reintegration, in cooperation with services in the community.

3. Pregnant women, breastfeeding mothers and mothers with children in prison

[*Supplements rule 23 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 48

1. Pregnant or breastfeeding women prisoners shall receive advice on their health and diet under a programme to be drawn up and monitored by a qualified health practitioner. Adequate and timely food, a healthy environment and regular exercise opportunities shall be provided free of charge for pregnant women, babies, children and breastfeeding mothers.

2. Women prisoners shall not be discouraged from breastfeeding their children, unless there are specific health reasons to do so.

3. The medical and nutritional needs of women prisoners who have recently given birth, but whose babies are not with them in prison, shall be included in treatment programmes.

Rule 49

Decisions to allow children to stay with their mothers in prison shall be based on the best interests of the children. Children in prison with their mothers shall never be treated as prisoners.

Rule 50

Women prisoners whose children are in prison with them shall be provided with the maximum possible opportunities to spend time with their children.

Rule 51

1. Children living with their mothers in prison shall be provided with ongoing health-care services and their development shall be monitored by specialists, in collaboration with community health services.

2. The environment provided for such children's upbringing shall be as close as possible to that of a child outside prison.

Rule 52

1. Decisions as to when a child is to be separated from its mother shall be based on individual assessments and the best interests of the child within the scope of relevant national laws.

2. The removal of the child from prison shall be undertaken with sensitivity, only when alternative care arrangements for the child have been identified and, in the case of foreign-national prisoners, in consultation with consular officials.

3. After children are separated from their mothers and placed with family or relatives or in other alternative care, women prisoners shall be given the maximum possible opportunity and facilities to meet with their children, when it is in the best interests of the children and when public safety is not compromised.

4. Foreign nationals

[*Supplements rule 38 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 53

1. Where relevant bilateral or multilateral agreements are in place, the transfer of non-resident foreign-national women prisoners to their home country, especially if they have children in their home country, shall be considered as early as possible during their imprisonment, following the application or informed consent of the woman concerned.

2. Where a child living with a non-resident foreign-national woman prisoner is to be removed from prison, consideration should be given to relocation of the child to its home country, taking into account the best interests of the child and in consultation with the mother.

5. Minorities and indigenous peoples

Rule 54

Prison authorities shall recognize that women prisoners from different religious and cultural backgrounds have distinctive needs and may face multiple forms of discrimination in their access to gender- and culture-relevant programmes and services. Accordingly, prison authorities shall provide comprehensive programmes and services that address these needs, in consultation with women prisoners themselves and the relevant groups.

Rule 55

Pre- and post-release services shall be reviewed to ensure that they are appropriate and accessible to indigenous women prisoners and to women prisoners from ethnic and racial groups, in consultation with the relevant groups.

B. Prisoners under arrest or awaiting trial

[*Supplements rules 84-93 of the Standard Minimum Rules for the Treatment of Prisoners*]

Rule 56

The particular risk of abuse that women face in pretrial detention shall be recognized by relevant authorities, which shall adopt appropriate measures in policies and practice to guarantee such women's safety at this time. (See also rule 58 below, with regard to alternatives to pretrial detention.)

III. Non-custodial measures

Rule 57

The provisions of the Tokyo Rules shall guide the development and implementation of appropriate responses to women offenders. Gender-specific options for diversionary measures and pretrial and sentencing alternatives shall be developed within Member States' legal systems, taking account of the history of victimization of many women offenders and their caretaking responsibilities.

Rule 58

Taking into account the provisions of rule 2.3 of the Tokyo Rules, women offenders shall not be separated from their families and communities without due consideration being given to their backgrounds and family ties. Alternative ways of managing women who commit offences, such as diversionary measures and pretrial and sentencing alternatives, shall be implemented wherever appropriate and possible.

Rule 59

Generally, non-custodial means of protection, for example in shelters managed by independent bodies, non-governmental organizations or other community services, shall be used to protect women who need such protection. Temporary measures involving custody to protect a woman shall only be applied when necessary and expressly requested by the woman concerned and shall in all cases be supervised by judicial or other competent authorities. Such protective measures shall not be continued against the will of the woman concerned.

Rule 60

Appropriate resources shall be made available to devise suitable alternatives for women offenders in order to combine non-custodial measures with interventions to address the most common problems leading to women's contact with the criminal justice system. These may include therapeutic courses and counselling for victims of domestic violence and sexual abuse; suitable treatment for those with mental disability; and educational and training programmes to improve employment prospects. Such programmes shall take account of the need to provide care for children and women-only services.

Rule 61

When sentencing women offenders, courts shall have the power to consider mitigating factors such as lack of criminal history and relative non-severity and nature of the criminal conduct, in the light of women's caretaking responsibilities and typical backgrounds.

Rule 62

The provision of gender-sensitive, trauma-informed, women-only substance abuse treatment programmes in the community and women's access to such treatment shall be improved, for crime prevention as well as for diversion and alternative sentencing purposes.

1. Post-sentencing dispositions

Rule 63

Decisions regarding early conditional release (parole) shall favourably take into account women prisoners' caretaking responsibilities, as well as their specific social reintegration needs.

2. Pregnant women and women with dependent children

Rule 64

Non-custodial sentences for pregnant women and women with dependent children shall be preferred where possible and appropriate, with custodial sentences being considered when the offence is serious or violent or the woman represents a continuing danger, and after taking into account the best interests of the child or children, while ensuring that appropriate provision has been made for the care of such children.

3. Juvenile female offenders

Rule 65

Institutionalization of children in conflict with the law shall be avoided to the maximum extent possible. The gender-based vulnerability of juvenile female offenders shall be taken into account in decision-making.

4. Foreign nationals

Rule 66

Maximum effort shall be made to ratify the United Nations Convention against Transnational Organized Crime[26] and the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing that Convention[27] to fully implement their provisions so as to provide maximum protection to victims of trafficking in order to avoid secondary victimization of many foreign-national women.

IV. Research, planning, evaluation and public awareness-raising

1. Research, planning and evaluation

Rule 67

Efforts shall be made to organize and promote comprehensive, result-oriented research on the offences committed by women, the reasons that trigger women's confrontation with the criminal justice system, the impact of secondary criminalization and imprisonment on women, the characteristics of women offenders, as well as programmes designed to reduce reoffending by women, as a basis for effective planning, programme development and policy formulation to respond to the social reintegration needs of women offenders.

Rule 68

Efforts shall be made to organize and promote research on the number of children affected by their mothers' confrontation with the criminal justice system, and imprisonment in particular, and the impact of this on the children, in order to contribute to policy formulation and programme development, taking into account the best interests of the children.

Rule 69

Efforts shall be made to review, evaluate and make public periodically the trends, problems and factors associated with offending behaviour in women and the effectiveness in responding to the social reintegration needs of women offenders, as well as their children, in order to reduce the stigmatization and negative impact of those women's confrontation with the criminal justice system on them.

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[26] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[27] Ibid., vol. 2237, No. 39574.

2. Raising public awareness, sharing information and training

Rule 70

1. The media and the public shall be informed about the reasons that lead to women's entrapment in the criminal justice system and the most effective ways to respond to it, in order to enable women's social reintegration, taking into account the best interests of their children.

2. Publication and dissemination of research and good practice examples shall form comprehensive elements of policies that aim to improve the outcomes and the fairness to women and their children of criminal justice responses to women offenders.

3. The media, the public and those with professional responsibility in matters concerning women prisoners and offenders shall be provided regularly with factual information about the matters covered in these rules and about their implementation.

4. Training programmes on the present rules and the results of research shall be developed and implemented for relevant criminal justice officials to raise their awareness and sensitize them to their provisions contained therein.

Draft resolution IV
Twelfth United Nations Congress on Crime Prevention and Criminal Justice

The General Assembly,

Emphasizing the responsibility assumed by the United Nations in the field of crime prevention and criminal justice in pursuance of Economic and Social Council resolution 155 C (VII) of 13 August 1948 and General Assembly resolution 415 (V) of 1 December 1950,

Acknowledging that the United Nations congresses on crime prevention and criminal justice, as major intergovernmental forums, have influenced national policies and practices and promoted international cooperation in this field by facilitating the exchange of views and experience, mobilizing public opinion and recommending policy options at the national, regional and international levels,

Recalling its resolution 46/152 of 18 December 1991, in the annex to which Member States affirmed that the United Nations congresses on crime prevention and criminal justice should be held every five years and should provide a forum for, inter alia, the exchange of views between States, intergovernmental and non-governmental organizations and individual experts representing various professions and disciplines; the exchange of experiences in research, law and policy development; and the identification of emerging trends and issues in crime prevention and criminal justice,

Recalling also its resolution 57/270 B of 23 June 2003, on the integrated and coordinated implementation of and follow-up to the outcomes of major United Nations conferences and summits in the economic and social fields, in which it stressed that all countries should promote policies consistent and coherent with the commitments of the major United Nations conferences and summits, emphasized that the United Nations system had an important responsibility to assist Governments to stay fully engaged in the follow-up to and implementation of agreements and commitments reached at the major United Nations conferences and summits and invited its intergovernmental bodies to further promote the implementation of the outcomes of the major United Nations conferences and summits,

Recalling further its resolution 64/180 of 18 December 2009, in which it called upon the Twelfth United Nations Congress on Crime Prevention and Criminal Justice to formulate concrete proposals for further follow-up and action, paying particular attention to practical arrangements relating to the effective implementation of the international legal instruments pertaining to transnational organized crime, terrorism and corruption and technical assistance activities relating thereto, and requested the Commission on Crime Prevention and Criminal Justice at its nineteenth session to give high priority to considering the conclusions and recommendations of the Twelfth Congress, with a view to recommending, through the Economic and Social Council, appropriate follow-up by the General Assembly at its sixty-fifth session,

Bearing in mind the United Nations Millennium Declaration,[1] adopted by the Heads of State and Government at the Millennium Summit of the United Nations on 8 September 2000, in which Heads of State and Government resolved, inter alia, to strengthen respect for the rule of law in international as well as in national affairs; to take concerted action against international terrorism and accede as soon as possible to all the relevant international conventions; to redouble their efforts to implement their commitment to counter the world drug problem; and to intensify their efforts to fight transnational crime in all its dimensions, including trafficking as well as smuggling in human beings and money-laundering,

Having considered the report of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice[2] and the related recommendations made by the Commission on Crime Prevention and Criminal Justice at its nineteenth session,

1. *Expresses its satisfaction* with the results achieved by the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador, Brazil, from 12 to 19 April 2010, including the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World,[3] adopted at the high-level segment of the Twelfth Congress;

2. *Expresses its appreciation* to the United Nations Office on Drugs and Crime for the work done in the preparations for and follow-up to the Twelfth Congress, and thanks the institutes of the United Nations crime prevention and criminal justice programme network for their contribution to the Twelfth Congress, in particular with regard to the workshops held within the framework of the Congress;

3. *Takes note with appreciation* of the report of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice,[2] which contains the results of the Twelfth Congress, including the conclusions and recommendations made at the workshops and at the high-level segment held during the Twelfth Congress;

4. *Endorses* the Salvador Declaration adopted by the Twelfth Congress, as approved by the Commission on Crime Prevention and Criminal Justice and annexed to the present resolution;

5. *Invites* Governments to take into consideration the Salvador Declaration and the recommendations adopted by the Twelfth Congress when formulating legislation and policy directives and to make all efforts, where appropriate, to implement the principles contained therein, taking into account the economic, social, legal and cultural specificities of their respective States;

6. *Invites* Member States to identify areas covered in the Salvador Declaration where further tools and training manuals based on international standards and best practices are needed, and to submit that information to the Commission on Crime Prevention and Criminal Justice so that it may take that information into account when considering potential areas of future activity of the United Nations Office on Drugs and Crime;

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[1] See resolution 55/2.

[2] A/CONF.213/18.

[3] Ibid., chap. I, resolution 1.

7. *Welcomes* the decision of the Government of Brazil to contribute a percentage of the value of confiscated assets to the United Nations Office on Drugs and Crime, pursuant to article 30 of the United Nations Convention against Transnational Organized Crime[4] and article 62 of the United Nations Convention against Corruption,[5] as well as paragraph 9 of General Assembly resolution 55/25 of 15 November 2000 and paragraph 4 of Assembly resolution 58/4 of 31 October 2003, and looks forward to expeditious implementation of that decision;

8. *Also welcomes* the prompt consideration and action by the Commission on Crime Prevention and Criminal Justice on a number of issues addressed in the Salvador Declaration, including those addressed in separate resolutions approved by the Commission at its nineteenth session, such as violence against migrants, migrant workers and their families,[6] emerging forms of crime that have a significant impact on the environment[7] and international cooperation in criminal matters;[8]

9. *Requests* the Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 42 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened prior to the twentieth session of the Commission, to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime;

10. *Also requests* the Commission on Crime Prevention and Criminal Justice to establish, in line with paragraph 49 of the Salvador Declaration, an open-ended intergovernmental expert group, to be convened between the twentieth and twenty-first sessions of the Commission, to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in correctional science and best practices, with a view to making recommendations to the Commission on possible next steps;

11. *Requests* the open-ended intergovernmental expert groups established pursuant to paragraphs 9 and 10 above to report to the Commission on Crime Prevention and Criminal Justice on progress in their work;

12. *Requests* the United Nations Office on Drugs and Crime, in the development and implementation of its technical assistance programmes, to aim for sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular by building, modernizing and strengthening criminal justice systems, as well as promoting the rule of law, and to design such programmes to achieve those aims for all components of the criminal justice system, in an integrated way and with a long-term perspective, increasing the capacity of requesting States to prevent and suppress the various types of crime affecting societies, including organized crime and cybercrime;

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[4] United Nations, *Treaty Series*, vol. 2225, No. 39574.

[5] Ibid., vol. 2349, No. 42146.

[6] A/CONF.213/18, para. 38.

[7] Ibid., para. 14.

[8] Ibid., para. 21.

13. *Also requests* the United Nations Office on Drugs and Crime to continue to provide technical assistance to facilitate the ratification and implementation of the Convention against Corruption, the Organized Crime Convention and the international instruments related to the prevention and suppression of terrorism;

14. *Requests* the Commission on Crime Prevention and Criminal Justice to consider at its twentieth session options to improve the efficiency of the process involved in the United Nations congresses on crime prevention and criminal justice, taking into account the recommendations made by the Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on Crime Prevention and Criminal Justice at its meeting held in Bangkok from 15 to 18 August 2006;[9]

15. *Requests* the Secretary-General to distribute the report of the Twelfth Congress, including the Salvador Declaration, to Member States, intergovernmental organizations and non-governmental organizations, so as to ensure that the recommendations of the Congress are disseminated as widely as possible, and to seek proposals by Member States for ways and means of ensuring appropriate follow-up to the Salvador Declaration for consideration and action by the Commission on Crime Prevention and Criminal Justice at its twentieth session;

16. *Welcomes with appreciation* the offer of the Government of Qatar to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015;

17. *Expresses its profound gratitude* to the people and Government of Brazil for the warm and generous hospitality extended to the participants in the Twelfth Congress and for the excellent facilities provided for the Congress;

18. *Requests* the Secretary-General to submit to it, at its sixty-sixth session, a report on the implementation of the present resolution.

Annex

Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World

We, the States Members of the United Nations,

Having assembled at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice[10] in Salvador, Brazil, from 12 to 19 April 2010, to take more effective concerted action, in a spirit of cooperation, to prevent, prosecute and punish crime and seek justice,

Recalling the work of the eleven previous United Nations congresses on crime prevention and criminal justice, the conclusions and recommendations of the regional preparatory meetings[11] for the Twelfth Congress and the documents prepared by the relevant working groups established by the Commission on Crime Prevention and Criminal Justice,[12]

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[9] E/CN.15/2007/6.

[10] In line with resolutions 46/152, 56/119, 62/173, 63/193 and 64/180.

[11] A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1.

[12] Intergovernmental Group of Experts on Lessons Learned from United Nations Congresses on

Reaffirming the necessity of respecting and protecting human rights and fundamental freedoms in the prevention of crime and the administration of, and access to, justice, including criminal justice,

Recognizing the centrality of crime prevention and the criminal justice system to the rule of law and that long-term sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other,

Noting with concern the rise of new and emerging forms of transnational crime,

Greatly concerned by the negative impact of organized crime on human rights, the rule of law, security and development, as well as by the sophistication, diversity and transnational aspects of organized crime and its links with other criminal and, in some cases, terrorist activities,

Stressing the need to strengthen international, regional and subregional cooperation to effectively prevent, prosecute and punish crime, in particular by enhancing the national capacity of States through the provision of technical assistance,

Greatly concerned also by criminal acts against migrants, migrant workers and their families and other groups in vulnerable situations, particularly those acts motivated by discrimination and other forms of intolerance,

Declare as follows:

1. We recognize that an effective, fair and humane criminal justice system is based on the commitment to uphold the protection of human rights in the administration of justice and the prevention and control of crime.

2. We also recognize that it is the responsibility of each Member State to update, where appropriate, and maintain an effective, fair, accountable and humane crime prevention and criminal justice system.

3. We acknowledge the value and impact of the United Nations standards and norms in crime prevention and criminal justice and endeavour to use those standards and norms as guiding principles in designing and implementing our national crime prevention and criminal justice policies, laws, procedures and programmes.

4. Bearing in mind the universal character of the United Nations standards and norms in crime prevention and criminal justice, we invite the Commission on Crime Prevention and Criminal Justice to consider reviewing and, if necessary, updating and supplementing them. In order to render them effective, we recommend that appropriate efforts be made to promote the widest application of those standards

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Crime Prevention and Criminal Justice (Bangkok, 15-18 August 2006); group of experts to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice (Bangkok, 23-25 March 2009); expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings (Bangkok, 23-26 November 2009); expert group on protection against trafficking in cultural property (Vienna, 24-26 November 2009); expert group on improving the collection, reporting and analysis of crime data (Buenos Aires, 8-10 February 2010).

and norms and to raise awareness of them among authorities and entities responsible for their application at the national level.

5. We acknowledge the need for Member States to ensure effective gender equality in crime prevention, access to justice and the protection offered by the criminal justice system.

6. We express deep concern about the pervasiveness of violence against women in all its different forms and manifestations worldwide, and urge States to enhance efforts to prevent, prosecute and punish violence against women. In this regard, we note with appreciation the draft updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice, as finalized by the intergovernmental expert group at its meeting held in Bangkok from 23 to 25 March 2009,[13] and look forward to their consideration by the Commission on Crime Prevention and Criminal Justice.

7. We recognize the importance of adopting appropriate legislation and policies to prevent victimization, including revictimization, and to provide protection and assistance to victims.

8. We consider that international cooperation and technical assistance can play an important role in achieving sustainable and long-lasting results in the prevention, prosecution and punishment of crime, in particular by building, modernizing and strengthening our criminal justice systems and promoting the rule of law. Specific technical assistance programmes should thus be designed to achieve these aims, for all the components of the criminal justice system, in an integrated way and with a long-term perspective, enabling the capacity of requesting States to prevent and suppress the various types of crime affecting their societies, including organized crime. In that regard, the experience and expertise accumulated over the years by the United Nations Office on Drugs and Crime constitute a valuable asset.

9. We strongly recommend the allocation of sufficient human and financial resources to develop and implement effective policies, programmes and training dealing with crime prevention, criminal justice and the prevention of terrorism. In this regard, we stress the serious need to provide the United Nations Office on Drugs and Crime with a level of resources commensurate with its mandate. We call on Member States and other international donors to support, and coordinate with, the United Nations Office on Drugs and Crime, including its regional and country offices, the institutes of the United Nations crime prevention and criminal justice programme network and requesting States in the provision of technical assistance to strengthen their capacity to prevent crime.

10. We acknowledge the leading role of the United Nations Office on Drugs and Crime in providing technical assistance to facilitate the ratification and implementation of the international instruments related to the prevention and suppression of terrorism.

11. We invite the Commission on Crime Prevention and Criminal Justice to consider strengthening the capacity of the United Nations Office on Drugs and Crime to collect, analyse and disseminate accurate, reliable and comparable data on world crime and victimization trends and patterns, and we call on Member States to

[13] See E/CN.15/2010/2.

support the gathering and analysis of information and to consider designating focal points and provide information when requested to do so by the Commission.

12. We welcome the decision of the Commission on Crime Prevention and Criminal Justice to engage in a thematic debate on protection against trafficking in cultural property and the recommendations made by the open-ended intergovernmental expert group on protection against trafficking in cultural property at its meeting held in Vienna from 24 to 26 November 2009, and invite the Commission to conduct appropriate follow-up, including, inter alia, exploring the need for guidelines for crime prevention with respect to trafficking in cultural property. Furthermore, we urge States that have not yet done so to develop effective legislation to prevent, prosecute and punish this crime in any of its forms and to strengthen international cooperation and technical assistance in this area, including the recovery and return of cultural property, bearing in mind the existing relevant international instruments, including the United Nations Convention against Transnational Organized Crime,[4] where appropriate.

13. We recognize the increasing risk of the convergence of transnational organized crime and illicit networks, many of which are new or evolving. We call upon Member States to cooperate, including through information-sharing, in an effort to address these evolving transnational criminal threats.

14. We acknowledge the challenge posed by emerging forms of crime that have a significant impact on the environment. We encourage Member States to strengthen their national crime prevention and criminal justice legislation, policies and practices in this area. We invite Member States to enhance international cooperation, technical assistance and the sharing of best practices in this area. We invite the Commission on Crime Prevention and Criminal Justice, in coordination with the relevant United Nations bodies, to study the nature of the challenge and ways to deal with it effectively.

15. We express our serious concerns about the challenge posed by economic fraud and identity-related crime and their links to other criminal and, in some cases, terrorist activities. We therefore invite Member States to take appropriate legal measures to prevent, prosecute and punish economic fraud and identity-related crime and to continue to support the work of the United Nations Office on Drugs and Crime in this area. Furthermore, Member States are encouraged to enhance international cooperation in this area, including through the exchange of relevant information and best practices, as well as through technical and legal assistance.

16. We recognize that international cooperation in criminal matters in accordance with international obligations and national laws is a cornerstone of the efforts of States to prevent, prosecute and punish crime, in particular in its transnational forms, and we encourage the continuation and reinforcement of such activities at all levels.

17. We call on those States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Corruption,[5] welcome the establishment of its mechanism for the review of implementation, look forward to its effective implementation and acknowledge the work of the intergovernmental working groups on asset recovery and technical assistance.

18. We also call on those States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational

Organized Crime and the Protocols thereto,[14] and note with appreciation the decision of the General Assembly, in its resolution 64/179 of 18 December 2009, to hold in 2010 high-level meetings and a special treaty event. We also take note of ongoing initiatives aimed at exploring options regarding an appropriate and effective mechanism to assist the Conference of the Parties to the United Nations Convention against Transnational Organized Crime in the review of the implementation of the Convention.

19. We call upon Member States that have not yet done so to consider ratifying or acceding to the international instruments against terrorism, including its financing. We also call upon all States parties to use those instruments and the relevant United Nations resolutions to enhance international cooperation in countering terrorism in all its forms and manifestations and its financing, including evolving features of the latter.

20. We call on Member States, consistent with their international obligations, to establish or strengthen, as appropriate, central authorities fully empowered and equipped to deal with requests for international cooperation in criminal matters. In this perspective, regional legal cooperation networks could be supported.

21. Aware that gaps may exist in relation to international cooperation in criminal matters, we invite the Commission on Crime Prevention and Criminal Justice to consider reviewing this issue and explore the need for various means of addressing gaps that are identified.

22. We emphasize the need for the adoption of effective measures to implement the provisions on preventing, prosecuting and punishing money-laundering contained in the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption. We encourage Member States to develop strategies to combat money-laundering based on the provisions of these two Conventions.

23. We encourage Member States to consider developing strategies or policies to combat illicit capital flows and to curb the harmful effects of jurisdictions and territories uncooperative in tax matters.

24. We recognize the need to deny criminals and criminal organizations the proceeds of their crimes. We call on all Member States, within their national legal systems, to adopt effective mechanisms for the seizure, restraint and confiscation of proceeds of crime and to strengthen international cooperation to ensure effective and prompt asset recovery. We also call on States to preserve the value of seized and confiscated assets, including through disposal, where appropriate and possible, where there is a risk of their value diminishing.

25. Bearing in mind the need to reinforce criminal justice systems of developing countries and countries with economies in transition, we urge States parties to the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption to fully implement the technical assistance provisions of each Convention, including by giving special consideration to contributing, in accordance with their national law and the provisions of those Conventions, a percentage of the proceeds of crime confiscated

[14] Ibid., vols. 2225, 2237, 2241 and 2326, No. 39574.

under each Convention to fund technical assistance through the United Nations Office on Drugs and Crime.

26. We are convinced of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their revictimization, and addressing the needs of children of prisoners. We stress that such responses should take into account the human rights and best interests of children and youth, as called for in the Convention on the Rights of the Child and the Optional Protocols thereto,[15] where applicable, and in other relevant United Nations standards and norms in juvenile justice,[16] where appropriate.

27. We support the principle that the deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time. We recommend the broader application, as appropriate, of alternatives to imprisonment, restorative justice and other relevant measures that foster the diversion of young offenders from the criminal justice system.

28. We call on States to develop and strengthen, where appropriate, legislation, policies and practices to punish all forms of crime that target children and youth, as well as for the protection of child victims and witnesses.

29. We encourage States to provide tailored training in an interdisciplinary approach to those involved in the administration of juvenile justice.

30. We invite the Commission on Crime Prevention and Criminal Justice to consider requesting the United Nations Office on Drugs and Crime to design and provide to States specific technical assistance programmes to achieve these aims.

31. We call on civil society, including the media, to support the efforts to protect children and youth from exposure to content that may exacerbate violence and crime, particularly content depicting and glorifying acts of violence against women and children.

32. We are convinced of the need to accelerate efforts to fully implement the United Nations guidelines on crime prevention and the prevention components of existing conventions and other relevant international standards and norms.

33. We recognize that the development and adoption of crime prevention policies and their monitoring and evaluation are the responsibility of States. We believe that such efforts should be based on a participatory, collaborative and integrated approach that includes all relevant stakeholders including those from civil society.

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[15] Ibid., vols. 1577, 2171 and 2173, No. 27531.

[16] The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (resolution 40/33, annex), the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) (resolution 45/110, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (resolution 45/112, annex), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (resolution 45/113, annex), the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex) and the basic principles on the use of restorative justice programmes in criminal matters (Economic and Social Council resolution 2002/12, annex).

34. We recognize the importance of strengthening public-private partnerships in preventing and countering crime in all its forms and manifestations. We are convinced that through the mutual and effective sharing of information, knowledge and experience and through joint and coordinated actions, Governments and businesses can develop, improve and implement measures to prevent, prosecute and punish crime, including emerging and changing challenges.

35. We stress the need for all States to have national and local action plans for crime prevention that take into account, inter alia, factors that place certain populations and places at higher risk of victimization and/or offending in a comprehensive, integrated and participatory manner, and for such plans to be based on the best available evidence and good practices. We stress that crime prevention should be considered an integral element of strategies to foster social and economic development in all States.

36. We urge Member States to consider adopting legislation, strategies and policies for the prevention of trafficking in persons, the prosecution of offenders and the protection of victims of trafficking, consistent with the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. We call on Member States, where applicable, in cooperation with civil society and non-governmental organizations, to follow a victim-centred approach with full respect for the human rights of the victims of trafficking, and to make better use of the tools developed by the United Nations Office on Drugs and Crime.

37. We urge Member States to consider adopting and implementing effective measures to prevent, prosecute and punish the smuggling of migrants and to ensure the rights of smuggled migrants, consistent with the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime. In this context, we recommend that Member States, inter alia, undertake awareness-raising campaigns, in cooperation with civil society and non-governmental organizations.

38. We affirm our determination to eliminate violence against migrants, migrant workers and their families, and we call on Member States to adopt measures for preventing and addressing effectively cases of such violence and to ensure that those individuals receive humane and respectful treatment from States, regardless of their status. We also invite Member States to take immediate steps to incorporate into international crime prevention strategies and norms measures to prevent, prosecute and punish crimes involving violence against migrants, as well as violence associated with racism, xenophobia and related forms of intolerance. We invite the Commission on Crime Prevention and Criminal Justice to consider this issue further in a comprehensive manner.

39. We note that the development of information and communications technologies and the increasing use of the Internet create new opportunities for offenders and facilitate the growth of crime.

40. We realize the vulnerability of children, and we call upon the private sector to promote and support efforts to prevent child sexual abuse and exploitation through the Internet.

41. We recommend that the United Nations Office on Drugs and Crime, upon request, provide, in cooperation with Member States, relevant international

organizations and the private sector, technical assistance and training to States to improve national legislation and build the capacity of national authorities, in order to deal with cybercrime, including the prevention, detection, investigation and prosecution of such crime in all its forms, and to enhance the security of computer networks.

42. We invite the Commission on Crime Prevention and Criminal Justice to consider convening an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international legal or other responses to cybercrime.

43. We endeavour to take measures to promote wider education and awareness of the United Nations standards and norms in crime prevention and criminal justice to ensure a culture of respect for the rule of law. In this regard, we recognize the role of civil society and the media in cooperating with States in these efforts. We invite the United Nations Office on Drugs and Crime to continue to play a key role in the development and implementation of measures to promote and develop such a culture, in close coordination with other relevant United Nations entities.

44. We undertake to promote appropriate training of officials entrusted with upholding the rule of law, including correctional facility officers, law enforcement officials and the judiciary, as well as prosecutors and defence lawyers, in the use and application of those standards and norms.

45. We are concerned by urban crime and its impact on specific populations and places. We therefore recommend stronger coordination between security and social policies, with a view to addressing some of the root causes of urban violence.

46. We recognize that specific groups are particularly vulnerable to situations of urban crime, and we therefore recommend the adoption and implementation of civic intercultural programmes, where appropriate, aimed at combating racism and xenophobia, reducing the exclusion of minorities and migrants and thus promoting community cohesion.

47. We acknowledge the increasing links between transnational organized crime and drug trafficking in the context of the world drug problem. In this regard, we stress the urgent need for all States to enhance bilateral, regional and international cooperation to effectively counter the challenges posed by these links.

48. We recognize that the penitentiary system is one of the key components of the criminal justice system. We endeavour to use the United Nations standards and norms for the treatment of prisoners as a source of guidance in the development or updating of our national codes of penitentiary administration.

49. We invite the Commission on Crime Prevention and Criminal Justice to consider convening an open-ended intergovernmental expert group to exchange information on best practices, as well as national legislation and existing international law, and on the revision of existing United Nations standard minimum rules for the treatment of prisoners so that they reflect recent advances in

correctional science and best practices, with a view to making recommendations to the Commission on possible next steps.

50. We welcome the draft United Nations rules for the treatment of women prisoners and non-custodial measures for women offenders.[17] Taking note of the outcome and the recommendations of the meeting of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings, we recommend that the Commission on Crime Prevention and Criminal Justice consider them as a matter of priority for appropriate action.

51. We stress the need to reinforce alternatives to imprisonment, which may include community service, restorative justice and electronic monitoring and support rehabilitation and reintegration programmes, including those to correct offending behaviour, and educational and vocational programmes for prisoners.

52. We recommend that Member States endeavour to reduce pretrial detention, where appropriate, and promote increased access to justice and legal defence mechanisms.

53. We support effective and efficient follow-up of the outcomes of the United Nations congresses on crime prevention and criminal justice. We welcome the inclusion of a standing item on the agenda of the Commission on Crime Prevention and Criminal Justice at its annual sessions on this matter and on preparations for future congresses on crime prevention and criminal justice.

54. We welcome with appreciation the offer of the Government of Qatar to act as host to the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015.

55. We express our profound gratitude to the people and Government of Brazil for their warm and generous hospitality and for the excellent facilities provided for the Twelfth Congress.

[17] See A/CONF.213/17.

Draft resolution V
United Nations African Institute for the Prevention of Crime and the Treatment of Offenders

The General Assembly,

Recalling its resolution 64/181 of 18 December 2009 and all other relevant resolutions,

Taking note of the report of the Secretary-General,[1]

Bearing in mind that weaknesses in crime prevention lead to subsequent difficulties at the level of crime control mechanisms, and bearing in mind also the urgent need to establish effective crime prevention strategies for Africa, as well as the importance of law enforcement agencies and the judiciary at the regional and subregional levels,

Aware of the devastating impact of new and more dynamic crime trends on the national economies of African States and of the fact that crime is a major obstacle to harmonious and sustainable development in Africa,

Noting with concern that in most African countries the existing criminal justice system does not have sufficiently skilled personnel and adequate infrastructure and is therefore ill-equipped to manage the emergence of new crime trends, and acknowledging that weak laws and existing justice systems undermine efforts to facilitate the prosecution of these new crime trends,

Bearing in mind the Revised African Union Plan of Action on Drug Control and Crime Prevention (2007-2012), aimed at encouraging Member States to participate in and own the regional initiatives for effective crime prevention and good governance and strengthened justice administration,

Emphasizing the need to create necessary coalitions with all partners in the process of achieving effective crime prevention policies,

Recognizing that the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders is a focal point for all professional efforts aimed at promoting the active cooperation and collaboration of Governments, academics, institutions and scientific and professional organizations and experts in crime prevention and criminal justice,

Noting that the financial situation of the Institute has greatly affected its capacity to deliver its services to African Member States in an effective and comprehensive manner,

1. *Commends* the United Nations African Institute for the Prevention of Crime and the Treatment of Offenders for its efforts to promote and coordinate regional technical cooperation activities related to crime prevention and criminal justice systems in Africa;

2. *Also commends* the initiative of the United Nations Office on Drugs and Crime in strengthening its working relationship with the Institute by supporting and involving the Institute in the implementation of a number of activities, including those contained in the Revised African Union Plan of Action on Drug Control and

[1] A/65/114.

Crime Prevention (2007-2012), on strengthening the rule of law and criminal justice systems in Africa;

3. *Reiterates* the need to strengthen further the capacity of the Institute to support national mechanisms for crime prevention and criminal justice in African countries;

4. *Notes* the efforts of the Institute to establish contacts with organizations in those countries which are promoting crime prevention programmes and its maintenance of close links with regional and subregional political entities, such as the African Union Commission, the East African Community, the Commission of the Economic Community of West African States, the Intergovernmental Authority on Development and the Southern African Development Community;

5. *Urges* the States members of the Institute to continue to make every possible effort to meet their obligations to the Institute;

6. *Welcomes* the decision of the Governing Board of the Institute, at its fourth extraordinary session, held in Nairobi on 2 March 2009, to convene a conference of African ministers in November 2009 to discuss measures for improving the flow of resources to the Institute;

7. *Also welcomes* the introduction by the Institute of a cost-sharing initiative in its execution of various programmes with Member States, partners and United Nations entities;

8. *Urges* all Member States and non-governmental organizations and the international community to continue adopting concrete practical measures to support the Institute in the development of the requisite capacity and in the implementation of its programmes and activities aimed at strengthening crime prevention and criminal justice systems in Africa;

9. *Urges* all States that have not already done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[2] as well as the United Nations Convention against Corruption;[3]

10. *Requests* the Secretary-General to intensify efforts to mobilize all relevant entities of the United Nations system to provide the necessary financial and technical support to the Institute to enable it to fulfil its mandate;

11. *Also requests* the Secretary-General to continue his efforts to mobilize the financial resources necessary to maintain the Institute with the core professional staff required to enable it to function effectively in the fulfilment of its mandated obligations;

12. *Encourages* the Institute to consider focusing on specific and general vulnerabilities of each programme country and to maximize the use of available initiatives to address crime problems with existing funds, as well as available capacity, by creating useful coalitions with regional and local institutions;

13. *Calls upon* the United Nations Office on Drugs and Crime to continue to work closely with the Institute;

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[2] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[3] Ibid., vol. 2349, No. 42146.

14. *Requests* the Secretary-General to enhance the promotion of regional cooperation, coordination and collaboration in the fight against crime, especially in its transnational dimension, which cannot be dealt with adequately by national action alone;

15. *Also requests* the Secretary-General to continue making concrete proposals, including for the provision of additional core professional staff, to strengthen the programmes and activities of the Institute and to report to the General Assembly at its sixty-sixth session on the implementation of the present resolution.

Draft resolution VI
Strengthening the United Nations Crime Prevention and Criminal Justice Programme, in particular its technical cooperation capacity

The General Assembly,

Reaffirming its resolutions 46/152 of 18 December 1991, 60/1 of 16 September 2005, 60/177 of 16 December 2005, 61/252 of 22 December 2006, 64/178 of 7 April 2010 and 64/179 of 18 December 2009 and 64/237 of 24 December 2009,

Taking note with appreciation of the adoption by the Economic and Social Council of the strategy for the period 2008-2011 for the United Nations Office on Drugs and Crime,[1] which aims, inter alia, to enhance its effectiveness and flexibility in providing technical assistance and policy services,

Reaffirming its resolutions relating to the urgent need to strengthen international cooperation and technical assistance in promoting and facilitating the ratification and implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto,[2] the United Nations Convention against Corruption[3] and all the international conventions and protocols against terrorism, including those that recently entered into force,

Reaffirming also the commitments undertaken by Member States in the United Nations Global Counter-Terrorism Strategy adopted on 8 September 2006[4] and its successive reviews of 4 and 5 September 2008[5] and of 8 September 2010,[6]

Emphasizing that its resolution 64/137 of 18 December 2009 on the intensification of efforts to eliminate all forms of violence against women has considerable implications for the United Nations Crime Prevention and Criminal Justice Programme and its activities,

Taking into consideration all relevant Economic and Social Council resolutions, in particular resolutions 2008/23, 2008/24 and 2008/25 of 24 July 2008, and all those relating to the strengthening of international cooperation as well as the technical assistance and advisory services of the United Nations Crime Prevention and Criminal Justice Programme of the United Nations Office on Drugs and Crime in the field of crime prevention and criminal justice, promotion and reinforcement of the rule of law and reform of criminal justice institutions, including with regard to the implementation of technical assistance,

Recalling its resolutions 55/25 of 15 November 2000, 58/17 of 3 December 2003, 61/52 of 4 December 2006 and 64/78 of 7 December 2009 on transnational organized crime and on the return or restitution of cultural property to the countries of origin, and noting with appreciation the report of the Secretary-General on

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[1] Economic and Social Council resolution 2007/12, annex.

[2] United Nations, *Treaty Series*, vols. 2225, 2237, 2241 and 2326, No. 39574.

[3] Ibid., vol. 2349, No. 42146.

[4] Resolution 60/288.

[5] See resolution 62/272; see also *Official Records of the General Assembly, Sixty-second Session, Plenary Meetings*, 117th to 120th meetings (A/62/PV.117-120), and corrigendum.

[6] Resolution 64/297.

protection against trafficking in cultural property,[7] the outcome of the thematic discussion on protection against illicit trafficking in cultural property held by the Commission on Crime Prevention and Criminal Justice at its nineteenth session and the work of the expert group on protection against trafficking in cultural property at its meeting convened pursuant to Economic and Social Council resolution 2008/23, and its recommendations,[8]

Recalling the high-level meeting of the General Assembly on transnational organized crime and the special treaty event convened on the tenth anniversary of the adoption of the United Nations Convention against Transnational Organized Crime pursuant to resolution 64/179, which reaffirm the political commitment of the international community to tackle transnational organized crime and promote the Convention,

Welcoming the adoption of the United Nations Global Plan of Action to Combat Trafficking in Persons,[9] stressing the need for its full and effective implementation, and expressing its view that it will, inter alia, enhance cooperation and a better coordination of efforts in fighting trafficking in persons and promote increased ratification and full implementation of the United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children,[10]

Welcoming the outcome of the fifth Conference of the Parties to the Convention against Transnational Organized Crime, held in Vienna from 18 to 22 October 2010,

Taking note of the report entitled *The Globalization of Crime — A Transnational Organized Crime Threat Assessment* of the United Nations Office on Drugs and Crime,[11] which provides an overview of different forms of emerging crimes and their negative impact on the sustainable development of societies,

Expressing its grave concern at the negative effects of transnational organized crime, including smuggling of and trafficking in human beings, narcotic drugs and small arms and light weapons, on development, peace and security and human rights, and at the increasing vulnerability of States to such crime,

Convinced of the importance of preventing youth crime, supporting the rehabilitation of young offenders and their reintegration into society, protecting child victims and witnesses, including efforts to prevent their re-victimization, addressing the needs of children of prisoners, and stressing that such responses should take into account the human rights and best interests of children and young people, as called for in the Convention on the Rights of the Child[12] and the Optional Protocols thereto,[13] where applicable, and in other relevant United Nations standards and norms in juvenile justice, where appropriate,

Concerned by the serious challenges and threats posed by the illicit trafficking in firearms, their parts and components and ammunition, and concerned about its

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[7] E/CN.15/2010/4.

[8] See E/CN.15/2010/5.

[9] Resolution 64/293, annex.

[10] United Nations, *Treaty Series*, vol. 2237, No. 39574.

[11] United Nations publication, Sales No. E.10.IV.6.

[12] United Nations, *Treaty Series*, vol. 1577, No. 27531.

[13] Ibid., vols. 2171 and 2173, No. 27531.

links with other forms of transnational organized crime, including drug trafficking and other criminal activities, including terrorism,

Deeply concerned about the connections, in some cases, between some forms of transnational organized crime and terrorism, and emphasizing the need to enhance cooperation at the national, subregional, regional and international levels in order to strengthen responses to this evolving challenge,

Concerned about the growing degree of penetration of criminal organizations and their proceeds into the economy,

Recognizing that actions against transnational organized crime and terrorism are a common and shared responsibility, and stressing the need to work collectively to prevent and combat transnational organized crime, corruption and terrorism in all its forms and manifestations,

Emphasizing that transnational organized crime must be addressed in full respect of the principle of the sovereignty of States and in accordance with the rule of law as part of a comprehensive response to promote durable solutions through the promotion of human rights and more equitable socio-economic conditions,

Recognizing the need to maintain a balance in the technical cooperation capacity of the United Nations Office on Drugs and Crime among all relevant priorities identified by the General Assembly and the Economic and Social Council,

Recognizing also that, thanks to its broad membership and wide scope of application, the United Nations Convention against Transnational Organized Crime offers an important basis for international cooperation, inter alia for extradition, mutual legal assistance and confiscation and represents, in this regard, a useful tool that should be further utilized,

Mindful of the need to ensure universal adherence to and full implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto, and urging States parties to make full and effective use of these instruments,

Welcoming the adoption by the United Nations Office on Drugs and Crime of a regional approach to programming, based on continuing consultations and partnerships at the national and regional levels, particularly on its implementation, and focused on ensuring that the Office responds in a sustainable and coherent manner to the priorities of Member States,

Recognizing the general progress made by the United Nations Office on Drugs and Crime in the delivery of advisory services and assistance to requesting Member States in the areas of corruption, organized crime, money-laundering, terrorism, kidnapping and trafficking in persons, including the support and protection, as appropriate, of victims, their families and witnesses, as well as drug trafficking and international cooperation, with special emphasis on extradition and mutual legal assistance,

Expressing concern regarding the overall financial situation of the United Nations Office on Drugs and Crime and reaffirming the request to the Secretary-General to submit proposals in his proposed programme budget for the biennium 2012-2013 to ensure that the Office has sufficient resources to carry out its mandate,

1. *Takes note with appreciation* of the report of the Secretary-General prepared pursuant to its resolution 64/179;[14]

2. *Welcomes* the high-level meeting of the General Assembly on transnational organized crime, held in New York on 17 and 21 June 2010, and notes the presentation of the Presidential summary of the meeting;

3. *Welcomes* the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted at the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, held in Salvador de Bahia, Brazil, from 12 to 19 April 2010;[15]

4. *Takes note with appreciation* of the convening of an open-ended intergovernmental expert group to conduct a comprehensive study of the problem of cybercrime and of responses to it by Member States, the international community and the private sector, including the exchange of information on national legislation, best practices, technical assistance and international cooperation, with a view to examining options to strengthen existing and to propose new national and international, legal or other responses to cybercrime;

5. *Welcomes with appreciation* the offer of the Government of Qatar to act as host to the thirteenth United Nations Congress on Crime Prevention and Criminal Justice, in 2015;

6. *Reaffirms* the importance of the United Nations Convention against Transnational Organized Crime and the Protocols thereto[2] as the main tools of the international community to fight transnational organized crime;

7. *Notes* the progress report on the voluntary pilot programme to review the implementation of the United Nations Convention against Transnational Organized Crime and the Protocols thereto;

8. *Takes note with appreciation* of the decision of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime at its fifth session to establish an open-ended intergovernmental working group to consider and explore options with regard to, and propose the establishment of, a mechanism or mechanisms to assist the Conference in reviewing implementation of the Convention and the Protocols thereto, and to prepare the terms of reference for such a review mechanism or mechanisms, guidelines for governmental experts and a blueprint for country review reports for consideration and possible adoption at the sixth session of the Conference;

9. *Also reaffirms* the importance of the United Nations Crime Prevention and Criminal Justice Programme in promoting effective action to strengthen international cooperation in crime prevention and criminal justice, as well as of the work of the United Nations Office on Drugs and Crime in the fulfilment of its mandate in crime prevention and criminal justice, including providing to Member States, upon request and as a matter of high priority, technical cooperation, advisory services and other forms of assistance, and coordinating with and complementing the work of all relevant and competent United Nations bodies and offices;

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[14] A/65/116.

[15] See A/CONF.213/18, chap. I, resolution 1.

10. *Encourages* all States to have national and local action plans for crime prevention in order to take into account, in a comprehensive, integrated and participatory manner, inter alia, factors that place certain populations and places at higher risk of victimization and/or of offending and to ensure that such plans are based on the best available evidence and good practices, and stresses that crime prevention should be considered an integral element of strategies to foster social and economic development in all States;

11. *Calls upon* Member States to strengthen their efforts to cooperate, as appropriate, at the bilateral, subregional, regional and international levels to counter effectively transnational organized crime;

12. *Requests* the United Nations Office on Drugs and Crime to enhance its efforts, within existing resources and within its mandate, in providing technical assistance and advisory services for the implementation of its regional and subregional programmes in a coordinated manner with relevant Member States and regional and subregional organizations;

13. *Requests* the United Nations Office on Drugs and Crime to continue to provide, within its mandate, technical assistance to Member States, upon their request, in the areas of crime prevention and criminal justice, with a view to strengthening the capacity of national criminal justice systems to investigate and prosecute all forms of crimes;

14. *Urges* the United Nations Office on Drugs and Crime to continue providing technical assistance to Member States to combat money-laundering and the financing of terrorism through the Global Programme against Money-Laundering, in accordance with United Nations-related instruments and internationally accepted standards, including, where applicable, recommendations of relevant intergovernmental bodies, inter alia, the Financial Action Task Force on Money Laundering, and relevant initiatives of regional, interregional and multilateral organizations against money-laundering;

15. *Recognizes* the efforts made by the United Nations Office on Drugs and Crime to assist Member States in developing abilities and strengthening their capacity to prevent and combat kidnapping, and requests the Office to continue to provide technical assistance with a view to fostering international cooperation, in particular mutual legal assistance, aimed at countering effectively this growing serious crime;

16. *Urges* the United Nations Office on Drugs and Crime to increase collaboration with intergovernmental, international and regional organizations that have transnational organized crime mandates, as appropriate, in order to share best practices and to take advantage of their unique and comparative advantage;

17. *Draws attention* to the emerging policy issues identified in the report of the Secretary-General on the implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme, with particular reference to the technical cooperation activities of the United Nations Office on Drugs and Crime,[16] namely, piracy, cybercrime, sexual exploitation of children and urban crime, and invites the Office to explore, within its mandate, ways and means of addressing those issues, bearing in mind Economic and Social Council resolutions 2007/12 of

[16] A/64/123.

25 July 2007 and 2007/19 of 26 July 2007 on the strategy for the period 2008-2011 for the Office;

18. *Requests* the United Nations Office on Drugs and Crime, within its existing mandate, to strengthen the collection, analysis and dissemination of accurate, reliable and comparable data and information to enhance knowledge on crime trends and support Member States in designing appropriate responses in specific areas of crime, in particular in their transnational dimension, taking into account the need to make the best possible use of existing resources;

19. *Urges* Member States and relevant international organizations to develop national and regional strategies, as appropriate, and other necessary measures, in cooperation with the United Nations Crime Prevention and Criminal Justice Programme, to address effectively transnational organized crime, including trafficking in persons, the smuggling of migrants and illicit manufacturing of and trafficking in firearms, as well as corruption and terrorism;

20. *Urges* States parties to use the United Nations Convention against Transnational Organized Crime for broad cooperation in preventing and combating criminal offences against cultural property, especially in returning such proceeds of crime or property to their legitimate owners, in accordance with article 14, paragraph 2, of the Convention, and invites States parties to exchange information on all aspects of criminal offences against cultural property, in accordance with their national laws, and to coordinate administrative and other measures taken, as appropriate, for the prevention, early detection and punishment of such offences;

21. *Urges* the United Nations Office on Drugs and Crime to continue to assist Member States, upon request, in combating the illicit trafficking in firearms, their parts and components and ammunition, and to support them in their efforts to address its links with other forms of transnational organized crime, through, inter alia, technical assistance;

22. *Reaffirms* the importance of the United Nations Office on Drugs and Crime and its regional offices in building capacity at the local level in the fight against transnational organized crime and drug trafficking, and urges the Office to consider regional vulnerabilities, projects and impact in the fight against transnational organized crime, in particular in developing countries, when deciding to close and allocate offices, with a view to maintaining an effective level of support to national and regional efforts in those areas;

23. *Encourages* Member States to support the United Nations Office on Drugs and Crime in continuing to provide targeted technical assistance, within its existing mandate, to enhance the capacity of affected States, upon their request, to combat piracy by sea, including by assisting Member States in creating an effective law enforcement response and strengthening their judicial capacity;

24. *Takes note with appreciation* of the fact that the number of States parties to the United Nations Convention against Transnational Organized Crime has reached one hundred and fifty-seven, which is a good indication of the commitment shown by the international community to combat this phenomenon;

25. *Urges* Member States that have not yet done so to consider ratifying or acceding to the United Nations Convention against Transnational Organized Crime

and the Protocols thereto, the United Nations Convention against Corruption and the international conventions and protocols related to terrorism;

26. *Encourages* States parties to continue to provide full support to the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption, including providing information to the conferences regarding compliance with the treaties;

27. *Requests* the Secretary-General to continue to provide the United Nations Office on Drugs and Crime with adequate resources to promote, in an effective manner, the implementation of the United Nations Convention against Transnational Organized Crime and the United Nations Convention against Corruption and to discharge its functions as the secretariat of the conferences of the parties to the conventions, in accordance with its mandate;

28. *Welcomes* the progress achieved by the Conference of the Parties to the United Nations Convention against Transnational Organized Crime and the Conference of the States Parties to the United Nations Convention against Corruption in the implementation of their respective mandates;

29. *Takes note with appreciation* of the recent establishment of a mechanism to review the implementation of the United Nations Convention against Corruption, and the adoption of its terms of reference;

30. *Reiterates* its request to the United Nations Office on Drugs and Crime to enhance its technical assistance to Member States, upon request, to strengthen international cooperation in preventing and combating terrorism through the facilitation of the ratification and implementation of the universal conventions and protocols related to terrorism, in close consultation with the Counter-Terrorism Committee and its Executive Directorate, as well as to continue to contribute to the work of the Counter-Terrorism Implementation Task Force, and invites Member States to provide the Office with appropriate resources for its mandate;

31. *Requests* that the United Nations Office on Drugs and Crime continue to provide technical assistance to Member States, upon request, to strengthen the rule of law, taking also into account the work undertaken by the Rule of Law Coordination and Resource Group of the Secretariat and other relevant United Nations bodies;

32. *Takes note* of the report of the intergovernmental group of experts to review and update the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice,[17] convened in accordance with Commission on Crime Prevention and Criminal Justice decision 17/1 of 18 April 2008 on strengthening crime prevention and criminal justice responses to violence against women and girls;[18]

33. *Takes note with appreciation* of the work of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial settings at its meeting held in Bangkok from 23 to 26 November 2009, and of the outcome of that meeting, as mandated by the Commission on Crime Prevention and

[17] Resolution 52/86, annex.

[18] See *Official Records of the Economic and Social Council, 2008, Supplement No. 10* (E/2008/30), chap. I, sect. D.

Criminal Justice in its resolution 18/1 of 24 April 2009 on supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings;[19]

34. *Encourages* Member States to take relevant measures, as appropriate to their national contexts, to ensure the diffusion, use and application of the United Nations standards and norms in crime prevention and criminal justice, including the consideration and, where they deem it necessary, dissemination of existing manuals and handbooks developed and published by the United Nations Office on Drugs and Crime;

35. *Reiterates* the importance of providing the United Nations Crime Prevention and Criminal Justice Programme with sufficient, stable and predictable funding for the full implementation of its mandates, in conformity with the high priority accorded to it and in accordance with the increasing demand for its services, in particular with regard to the provision of increased assistance to developing countries, countries with economies in transition and those emerging from conflict, in the area of crime prevention and criminal justice reform;

36. *Requests* the Secretary-General to submit a report to the General Assembly at its sixty-sixth session on the implementation of the mandates of the United Nations Crime Prevention and Criminal Justice Programme, reflecting also emerging policy issues and possible responses;

37. *Also requests* the Secretary-General to include in the report referred to in paragraph 36 above information on the status of ratifications or accessions to the United Nations Convention against Transnational Organized Crime and the Protocols thereto.

[19] Ibid., *2009, Supplement No. 10* (E/2009/30), chap. I, sect. D.

33. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with crime prevention and criminal justice

The General Assembly decides to take note of the following reports submitted under the item entitled "Crime prevention and criminal justice":

(a) Report of the Secretary-General on technical assistance in implementing the international conventions and protocols related to terrorism;[1]

(b) Report of the Secretary-General on the Twelfth United Nations Congress on Crime Prevention and Criminal Justice;[2]

(c) Report of the Secretary-General on improving the coordination of efforts against trafficking in persons.[3]

[1] A/65/91.
[2] A/65/92.
[3] A/65/113.